



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

**THURSDAY 26 AUGUST 2021  
ONLINE PLATFORM MEETING**

---

**Board Members Present:**

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

**Depute Clerk of the Licensing Board:**

Mr C Grilli, Service Manager – Legal & Procurement

**Attending:**

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

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor F Dugdale

**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 24 June 2021**

The minutes of the East Lothian Licensing Board meeting of 24 June 2021 were approved as a true record of the meeting.

**2a. GRANT OF A PROVISIONAL PREMISES LICENCE  
Home Bargains, Unit 2, Haddington Retail Park, Gateside, Haddington**

The application sought a provisional premises licence for off sales from 10am-10pm, Monday-Sunday. Background music would also be played during the store's opening hours. There were no objections from the police, NHS, planning, the public, the LSO, or community council. The LSO had raised the following conditions: that CCTV be installed and maintained to cover the alcohol displays; spirits be securely tagged; and thefts of alcohol be notified to the police.

Mr Alex Green, agent, was present to speak to the application, along with Ms Melissa Macleod, Area Manager for Scotland.

Mr Rudi Fruzynski, LSO, welcomed the opening of the store, and commented on the need for CCTV and for staff to report any thefts of alcohol, which had been a particular problem in East Lothian.

PC Bairden advised that Police Scotland had no objection to the grant of the provisional premises licence, and said that police would monitor and address any issues with theft of alcohol if they arose.

Mr Green advised that the unit at Haddington Retail Park looked to employ 70 members of staff. He noted that the alcohol range was limited, with mainly beers and wines and some seasonal gift sets. Alcohol display made up around 6% of the overall store, but this offer was important to the business as it allowed the customer to purchase all products in the one store. Mr Green said his clients were experienced national retailers. They would: have three personal licence holders on the staff and one personal licence holder on duty at all times; keep an electronic refusal register; undertake independent test purchasing; and staff training would be kept up to date.

Councillor Goodfellow asked questions to establish the position of the alcohol display in relation to the six tills. Ms Macleod provided information about preventative measures against theft, which included alarmed barriers across unused tills. Councillor Henderson asked questions about the alcohol display capacity in other Home Bargains stores, and Ms Macleod advised that 5-6% was the norm across stores; alcohol sales were not promoted aggressively, but rather were sold to ensure the store could be a one-stop destination.

All Board Members indicated they were content to grant the application.

**Decision**

The Board unanimously granted the provisional premises licence, subject to standard conditions raised by the LSO.

**2b. The Cheese Lady, 3 Court Street, Haddington**

The application sought a provisional premises licence for on sales and off sales, and to offer group meetings and to hold tasting events, etc. There were no objections from the police, NHS, planning, the public, the LSO, or community council.

Ms Svetlana Kukharchuk, applicant, was present to speak to her application.

The LSO raised no objection to the application and welcomed the new project from The Cheese Lady.

PC Bairden advised that Police Scotland also had no objection to the proposals, but sought clarity on the opening time.

Ms Kukharchuk provided some information on the shop, which sold premium products and fine cheese. She advised that the shop would sell alcohol of premium quality, and would recommend wine to complement the different cheeses on offer. On sales would also cater to the micro café, as well as tasting events. However, due to the limited size of the premises, on small events could be held. Ms Kukharchuk advised that opening hours were currently 10am-3pm, but would move to 10am-5pm Tuesday-Saturday. Events would be held after closing time, from around 6pm-9pm, with patrons having left by 10pm. She reassured Members that events would include guided tasting and were not expected to be noisy affairs.

The LSO suggested that the business may be limited should off sales not be able to commence until 11am; he suggested that the application be amended to include off sales from 10am-10pm and on sales from 11am-10pm. PC Bairden confirmed he would be happy with this change.

Councillor Henderson raised questions about the capacity of the premises, as Ms Kukharchuk had indicated that around 20 people may attend events. Based on the capacity listed in the application, it was suggested that only around 12 people could fit into the premises, and Councillor Henderson questioned whether an upper limit may have to be imposed for safety reasons. The Depute Clerk of the Board, Carlo Grilli, advised that licensing should consider premises capacity for the safe consumption of alcohol. The LSO added that licensing usually followed any recommendation which came in from planning and building standards. Maree Winter, Licensing Officer, confirmed that nothing had come back from building standards, and noted that applications should state the maximum capacity of premises.

Ms Kukharchuk stressed that events would take place when the whole shop floor would be closed, and believed there would be capacity for 20 people to be in attendance. Responding to questions from Members, Ms Winter advised that planning would usually respond to any outstanding planning issues, but would not usually comment of the maximum capacity of premises. She advised that building control did not respond to applications, and that building control and the Scottish Fire & Rescue Service would usually advise on maximum capacity.

The Convener suggested that a maximum capacity of 12 persons be imposed, but that this may subsequently be changed to 20 persons based on feedback from colleagues in building control, who would be asked to respond with some urgency. All Board Members confirmed they would be minded to grant on this basis.

**Decision**

The Board unanimously granted the provisional premises licence, noting that the hours for on sales would be 11am-10pm and off sales would be 10am-10pm. The maximum

capacity would be 12 persons, but subject to confirmation by the Board, an amendment would be put forward for a maximum capacity of 20 persons.

**2c. The Harbour Chapel, 10 Victoria Street, Dunbar**

The application sought a provisional premises licence for on sales from 12pm-12am Sunday-Thursday and from 12pm-1am Friday-Saturday, with a maximum capacity of 110 persons. The chapel was being converted into an events venue with an outdoor garden area for drinks and photographs. There were no objections from the police, NHS, planning, the public, the LSO, or community council. The police had made a representation and requested that on sales operating hours from Monday-Wednesday be restricted to 11pm as per current Board policy. The LSO also supported the application, and noted that the applicant could apply for extended hours for special occasions, and/or seasonal variations in respect of national and local events. The community council also supported the grant of the licence. Planning had requested that the terminal hour for the outdoor area be 8pm.

Ms Fiona Veitch and Mr Ewan McIntyre, applicants, were present to speak to their application.

The LSO expressed excitement over the conversation of the old Methodist church into an events venue. He supported the application and commented that the venue looked wonderful. He noted that the requested terminal hour of 12am Monday-Wednesday was outwith the Board's policy of 11pm; this would represent an exception to the rule if granted, and noted that wedding events would traditionally take place at weekends. The LSO also advised that he would have no objection should applicants feel the business would benefit from inclusion of seasonal variation to hours. He noted that the venue had run a wedding event successfully under an occasional licence, with another similar arrangement in the process of being granted. He wished the applicants well with the new project.

Responding to a question from Councillor Henderson, the applicants confirmed that the building's capacity had been approved by building standards, and the building warrant reflected the licensing application. A Section 50 certificate was also in place.

PC Bairden confirmed that Police Scotland had no objections to the application, and echoed the LSO's comments regarding the terminal hour on Monday-Wednesday and seasonal variations to hours. He wished the applicants well and commented on the outstanding refurbishment standard of a premises that had previously sat empty for a considerable time.

Ms Veitch and Mr McIntyre spoke to their application. They were grateful for the support expressed and had appreciated the LSO's input. Their aim had been to restore the building and to make it a part of the community. They said they had worked hard to forge links with neighbours and were mindful of their social responsibility to their neighbours. They confirmed they would be willing to accept a terminal hour of 11pm from Monday-Wednesday and were grateful for the suggestion of seasonal variations to hours.

Councillor Goodfellow sought clarity on use of the outdoor drinking area and how this would be monitored by staff. Ms Veitch advised that the outdoor area would be used for photographs. Staff members stood at the door to ensure drinks were not taken outside after 7pm, which was the venue's clear policy. It was agreed that the licence would reflect the planning consent with a terminal hour of 8pm for the outdoor drinking area, and Councillor Innes remarked that the applicants would have the right to stop patrons using the outdoor area at any time they saw fit before this time.

Regarding the balcony, Ms Veitch advised that this was a gated area and would be used only under supervision for taking photographs. The gate was locked after the meal as there was also expensive PA equipment kept in this area, and the balcony area would be used only in special circumstances such as a parent comforting a distressed child. The Convener commented that this consideration reflected the professionalism of the operation.

Councillor Innes thought the fantastic venture would reflect well on the area. He noted that the applicants wished to be a valuable asset to the community and offered his support to the application. All Board Members confirmed they would also be minded to grant the application.

### **Decision**

The East Lothian Licensing Board unanimously agreed to grant the provisional premises licence. The terminal hour would be 11pm from Monday-Wednesday and no alcohol would be served or consumed in the outdoor area after 8pm. Seasonal variations of hours would also be granted.

### **3a. MAJOR VARIATION OF PREMISES LICENCE Co-op, 1B Rosebery Place, Gullane**

The application sought to vary the store's activities by adding a home delivery offer. No objections had been received from the public, NHS, planning, police, community council, or LSO. The LSO had noted that home deliveries must comply with Board policy.

Mr Peter Lawson, agent, was present to speak to the application.

The LSO commented that the Gullane Co-op was a well-run store that was taking the opportunity to formally add deliveries to their operating plan, which many stores had been carrying out for some time. Applications highlighted that the retailer would comply with board policy regarding deliveries, and the LSO held no objection to the proposals. BC Bairden also echoed the LSO's comments.

Mr Lawson advised that the Co-op already delivered from many stores across Scotland. A significant number of similar applications had been made recently and all had been granted. He also advised that all delivery drivers received the two hours of mandatory alcohol training, as well as refresher courses.

Councillor Innes commented that the Co-op was a valued retailer across East Lothian and had a good reputation for quality and professionalism. The Covid-19 pandemic meant that adding deliveries would be prudent, as this would be a valuable asset in helping keep customers safe. All Board Members confirmed they were minded to grant the application.

### **Decision**

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

**3b. Co-op, 117 High Street, North Berwick**

The application sought to vary the store's activities by adding a home delivery offer. No objections had been received from the public, NHS, planning, police, community council, or LSO. The LSO had noted that home deliveries must comply with Board policy. The community council supported the application.

Mr Lawson confirmed that this application was being made in similar terms to the aforementioned application by the Co-op in Gullane.

The LSO raised no objections to the application and advised that his report reflected the same comments as with the previous application heard at item 3a from the Co-op in Gullane. This would also be the case for the applications from the East Linton and Dunbar Co-ops being heard at items 3c and 3d respectively. He advised that he had visited the stores and found them to be well-run. He offered his support to the application and to the others made by the Co-op.

PC Bairden said that Police Scotland would raise no objection to the application or to those made in similar terms from the East Linton and Dunbar stores.

All Board Members confirmed they were minded to grant the application.

**Decision**

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

**3c. Co-op, 53 High Street, East Linton**

The application sought to vary the store's activities by adding a home delivery offer. No objections had been received from the public, NHS, planning, police, community council, or LSO. The LSO had noted that home deliveries must comply with Board policy. The community council supported the application.

Mr Lawson had previously confirmed that this application was being made in similar terms to the Co-op applications of the previous two items.

All Board Members confirmed they were minded to grant the application.

**Decision**

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

**3d. Co-op, Countess Crescent, Dunbar**

The application sought to vary the store's activities by adding a home delivery offer. No objections had been received from the public, NHS, planning, police, community council, or LSO. The LSO had noted that home deliveries must comply with Board policy. The community council supported the application.

Mr Lawson had previously confirmed that this application was being made in similar terms to the Co-op applications of the previous three items.

All Board Members confirmed they were minded to grant the application.

## **Decision**

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

### **3f. Ross High Rugby Club, 91 Blawerie Road, Tranent**

The application sought to vary the layout and operating plans to add an outside drinking area at the pitch entrance with a maximum capacity of 30 persons. No objections had been received from the NHS, planning, police, community council, or LSO. Public objections had been made on the basis of concerns by residents regarding noise from the outdoor drinking area. A public representation had also been made to advise that no objection would be made if the outdoor area would be to the back of the club rather than to the side. The applicants had accepted all conditions raised by the police and LSO.

Ms Sharon Peel and Mr John Tinlin were present to speak to the application.

The LSO raised no objection to the application and felt it would be of benefit to club members to be able to use an outdoor area just outside the west side of the bar/lounge to watch rugby on the playing field, and to partake in teas, coffees, alcoholic drinks, breakfasts, etc. He recommended that the applicant request to use the outdoor seating area for use other than drinking purposes outwith core hours. He advised that the capacity should provide a clear breakdown of indoor and outdoor areas. He recommended the board support his condition regarding CCTV cover of the outdoor area. He also advised that there should be no music or amplified entertainment in the outdoor area, and that doors and windows should be closed to prevent noise breakout when amplified entertainment was ongoing indoors to protect neighbouring residents from disturbance. He offered his support to the application, and confirmed that there had been no contact with or complaints made to the licensing or environmental health services regarding noise disturbance in the last two years.

PC Bairden confirmed that Police Scotland held no objection to the application, and commented that the premises appeared to be well run. Applicants had agreed to comply with conditions. He confirmed that Police Scotland would deal with any complaints should they arise, and staff could liaise with the police should there be any issues with use of the outdoor area. Suggested conditions were: the outdoor area to be clearly delineated and have a maximum capacity of 30 persons; tables and chairs to be removed no later than 10pm; customers must not use the outdoor area for smoking; and reasonable requests made by Police Scotland to be complied with.

Ms Peel spoke to the application. She advised that both public objections had been carefully considered, and the club intended to close down the outdoor drinking area at 8pm. Functions taking place in the club would usually begin at 7.30pm, so these groups would not make use of the outdoor area. She confirmed that the club would accept all conditions raised by the LSO and Police Scotland. She advised that the gate to the outdoor area could not be locked as it was owned by the council and represented the club's disabled access, however, patrons would be directed not to use the beer garden area as an exit. She believed that only ten of the fifty flats on Harkness Crescent had bedrooms that faced onto Kings Road, but noted that the outdoor area would be out of use after 8pm in any case and should not therefore cause a disturbance. She advised that the club had a high quality CCTV system in operation, and Mr Tinlin stated that another camera would be added to cover the outdoor drinking area. Ms Peel reassured the Board that the club had a good rapport with the licensing service and with Police Scotland, and intended to ensure the club remained a valued part of the community.

Councillor Goodfellow enquired as to the location of the smoking area in relation to neighbouring properties. Mr Tinlin advised of a designated area to the east side of the building, which offered a sheltered area at least 30m from the buildings on Harkness Crescent. The area was also covered by CCTV.

Regarding staffing, Mr Tinlin advised that the premises were always adequately monitored by staff and committee members; staffing had increased due to Covid-19 to enable areas to be checked and patrons to be monitored.

Councillor Innes supported the application and commented that the Ross High Rugby Club was a valuable community organisation in Tranent. The club had a good reputation within the community and was well supported. He felt that use of the outdoor area was a natural extension of facilities to benefit the club's guests and members.

The Depute Clerk of the Board summarised the conditions proposed by the LSO and Police Scotland. All aforementioned conditions would be included, except for compliance with Covid requirements and reasonable requests made by Police Scotland, which would not be officially attached to the licence.

Ms Peel and Mr Tinlin confirmed that the club would wish to apply to use the outdoor area outwith core hours. Members were unanimously minded to grant the application, subject to conditions raised by the LSO and Police Scotland.

### **Decision**

The East Lothian Licensing Board unanimously agreed to grant the major variation to the premises licence, subject to the following conditions:

- The outdoor area to be clearly delineated and monitored by CCTV;
- Patrons to be seated when using the outdoor area, with a maximum capacity of 30 persons;
- No alcohol to be served after 8pm in the outdoor area, and tables and chairs to be removed from the outdoor area by 10pm each day;
- Plastic containers to be used in the outdoor area;
- No smoking to be allowed in the outdoor drinking area at any time; and
- No amplified music or entertainment to be played in the outdoor drinking area, and doors and windows to be closed when amplified entertainment is taking place indoors.

### **3e. Longniddry Golf Club, Links Road, Longniddry**

The application sought to vary the layout and operating plan to add an outside drinking area for provision of refreshments after the tenth hole. The application requested that on sales and off sales commence at 10am. Variations to add conference facilities and bar meals, and for the clubhouse to open from 7am had also been submitted. There were no objections from the police, NHS, planning, the public, the LSO, or community council. The LSO had raised various standard conditions.

Ms Jo Kelly and Mr Craig Anderson were present to speak to the application.

The LSO referred to his report from 16 July 2021. He confirmed he had visited the premises with PC Bairden and had met with Jo Kelly and staff at the club. He noted that the application for on sales to commence at 10am would be outwith Board policy, and therefore Members would have to consider whether they would accept the proposed time of 10am; he noted that a number of golf clubs and bowling clubs had



been granted commencement of on sales from 10am. Commencement of off sales on a Sunday to 10am would bring the club in line with the new Board policy. The LSO also had no objections to the addition of conference facilities and bar meals to the operating plan, or to the adjustment of the opening time to 7am. He noted that the outdoor area was not overlooked by neighbouring properties, and this area had operated under occasional licences without issue. He asked that the capacity be indicated in the operating plan, and suggested various conditions: that the outdoor area be covered by CCTV; that no amplified music or entertainment to be played in the outdoor drinking area, and doors and windows to be closed when amplified entertainment is taking place indoors to prevent noise breakout; and that the outdoor drinking area have a terminal hour of 10pm.

PC Bairden advised that he had visited the club on several occasions, and there were no police objections to the application. He commented that the premises were well run and he would raise no objection to the commencement of on sales from 10am.

There was discussion regarding the current rules around children accessing the club. It was established that the club was proposing a change of the definition of junior members from ten years old to six years old, and there would continue to be no age limit for children and young people accompanied by an adult.

Councillor Bruce was happy to support the application, and felt that the club was well run and a good part of the community. He remarked that the additions being made were in line with what would be expected from a golf club. Councillor Innes echoed these comments and said the community used and valued the meeting space provided by the club. He also offered his support to the application.

Members were happy to support the extended hours to allow commencement of on sales at 10am, and all Board Members were minded to grant the application.

**Decision**

The East Lothian Licensing Board unanimously agreed to grant the major variation to the premises licence, subject to standard conditions raised by the LSO.

Signed .....

Councillor J McMillan  
Convener of East Lothian Licensing Board