



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

**THURSDAY 25 NOVEMBER 2021
ONLINE PLATFORM MEETING**

Board Members Present:

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

Acting Clerk of the Licensing Board:

Mr C Grilli, Service Manager – Legal & Procurement

Attending:

Ms S Fitzpatrick, Team Manager – Licensing & Landlord Registration
Ms G Herkes, Licensing Officer
Mr R Fruzynski, Licensing Standards Officer
PC S Lackenby, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

None

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 October 2021**

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

**2a. GRANT OF A PROVISIONAL PREMISES LICENCE
National Trust for Scotland, Newhailes Estate, Musselburgh**

The application sought a provisional premises licence and had attracted no objections from the police, NHS, planning, the public, the LSO, or community council.

Niall Hassard, agent, was present to speak to the application, along with Clare Grant, Operations Manager for Edinburgh for the National Trust for Scotland. Mr Hassard explained that the National Trust for Scotland were experienced licence holders, running a variety of cafés, gift shops, and events, and reassured Members that the organisation took due diligence very seriously. The café looked to offer a light supper menu with wine, and the newly-refurbished premises saw good local footfall. Although the premises was not designed as a wedding venue, the trust also sought flexibility to run events. Mr Hassard confirmed that the stately home would not be included in the licensed area.

Councillor Henderson requested that more specific language be included in relation to the admission of children. Mr Hassard explained that the open language had been due to the presence of the ice cream shop and café within the premises, but suggested that the licence could specify that children under 12 to be accompanied by a responsible adult at all times. He also suggested that all children should be accompanied by a responsible adult after 8pm.

Responding to Members' questions, Ms Grant advised that there would be CCTV coverage throughout the courtyard, and facing onto the play park and car park. The doors would also be covered by CCTV.

The LSO had visited the estate and commented on the impressive set-up at the premises. He noted that there would be no issues in terms of noise nuisance due to the location being fairly isolated from other properties. He and Mr Hassard agreed to refine the wording in relation to children's access.

The Convener called for a roll call vote and the Board unanimously granted the application.

Decision

The Board unanimously granted the provisional premises licence. They also delegated to the Clerk of the Board to work in conjunction with the agent and LSO to finalise wording relating to children's access to the premises, specifically in relation to:

- children under 12 being accompanied at all times;
- all children being accompanied after 8pm; and
- no children being allowed to approach counters settling alcohol at events/after 8pm.

2b. The Topsy Truffle, 59 High Street, Dunbar

The application sought a provisional premises licence and had attracted no objections from the police, NHS, planning, the public, the LSO, or community council.

Julie Watt, applicant, was present to speak to her application. Ms Watt advised that The Topsy Truffle would primarily sell artisan chocolates and gifts, and she looked also to offer chocolate liqueurs and small-batch alcohol. The offer would be on an off-sales basis only, and Ms Watt hoped to eventually set up a website for online orders.

PC Lackenby confirmed that Police Scotland held no objections to the application.

The LSO advised that he had visited the property while it was still under construction, but had assessed the application in terms of licensing standards and was content to support it.

Answering questions from Members, Ms Watt said she hoped to have the internet operation set up within 6 months of opening the store. Any online orders would be managed from the shop, and the products available online would be the same as those available in store. The LSO said he would discuss the requirements under Section 119 of the act and the statement of licensing policies with Ms Watt when she was ready to begin internet sales and deliveries.

The Convener welcomed the new store. He encouraged Ms Watt to link in with the East Lothian Food and Drink Business Improvement District, where officers would be keen to assist.

Decision

The Board unanimously granted the provisional premises licence.

**3. MAJOR VARIATION OF A PREMISES LICENCE
Hallhill Healthy Living Centre, Lochend Road, Dunbar**

The application sought a major variation of its premises licence and had attracted no objections from the police, NHS, planning, the public, the LSO. The Community Council had submitted a representation.

Mr Robert Peters, premises manager, was present to speak to the application. He explained that the major variation represented an extension to the lounge and social area at Hallhill, where the premises had been outgrown due to housebuilding work in Dunbar. The off-sales request was due to people occasionally asking whether they could take home a bottle of beer or wine at closing, but very few sales were expected. The hours on a Sunday were also being adjusted to remain in line with the timings of live sports events.

PC Lackenby confirmed that Police Scotland held no objection to the application.

The LSO, along with PC Graeme Bairden, had met with Mr Peters regarding the application. He was satisfied that it would not cause any issues regarding the licensing objectives, and was happy to support the application.

The Convener commented that the Board would rely on staff to exercise good governance in terms of off-sales.

The Convener called for a roll call vote and Members unanimously agreed to grant the major variation.

Decision

The Board unanimously granted the major variation of the premises licence.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Committee agreed to exclude the public from item 4 due to the sensitive nature of discussions around the police letter.

**4. TRANSFER OF A PREMISES LICENCE
Shivedev Singh, The Scotsman, 179 North High Street, Musselburgh**

The East Lothian Licensing Board unanimously agreed to delay making a decision on the application until such time as the pending court case had been fully disposed of.