



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

**THURSDAY 25 AUGUST 2022
ONLINE PLATFORM MEETING**

Board Members Present:

Councillor L Bruce
Councillor C Cassini
Councillor F Dugdale
Councillor G Gilbert
Councillor J McMillan (Convener)

Clerk of the Licensing Board:

Mr C Grilli, Service Manager – Governance

Attending:

Ms M Winter, Licensing Officer
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Ms K Harling, Licensing Standards Officer
Sgt R Stark, Police Scotland
PC I Anderson, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor G McGuire

Declarations of Interest:

None

1. ELECTION OF THE EAST LoTHIAN LICENSING BOARD CONVENER

Councillor Bruce was nominated as Convener of the East Lothian Licensing Board by Councillor Gilbert, and Councillor McMillan seconded the nomination. Members agreed this appointment unanimously by roll call vote.

Councillor McMillan was nominated as Depute Convener of the East Lothian Licensing Board by Councillor Dugdale, and Councillor Bruce seconded the nomination. Members agreed this appointment unanimously by roll call vote.

**2. MINUTES FOR APPROVAL
East Lothian Licensing Board, 23 June 2022**

The minutes were agreed as an accurate record of the meeting.

**3. PROVISIONAL PREMISES LICENCE
Prawn Wild Ltd., The Mart, East Linton Sale Ground, Station Road, East Linton**

The application was for a farm shop/café, post office, and market place, and sought a licence for off-sales 10am-10pm Monday-Sunday, including online sales and deliveries. The application had attracted no objections from the police, NHS, planning, the LSO, public, or community council.

Neil Sinclair-Parry, applicant, was present to speak to the application. He advised that the business had operated under occasional licences for some time and there had been no issues.

Karen Harling, Licensing Standards Officer (LSO), confirmed that the applicant had liaised with the LSO, and said there had been no incident while operating under occasional licences. She had visited the premises and noted a move of the alcohol display to near the café entrance. She highlighted security improvements, including 13 cameras and the security system in place. Although the alcohol display would not be visible from the payment point, a member of staff would be on duty in the area. She supported the application.

PC Iain Anderson confirmed there were no objections from Police Scotland.

Councillor Gilbert asked about the licensed hours, and Mr Sinclair-Parry advised that the application sought a terminal hour of 10pm as some changes to opening hours were planned.

Responding to a question from Councillor McMillan, Mr Sinclair-Parry advised that all alcohol was being hand-delivered. Signs were displayed regarding Challenge 25 in store, and he described the EPOS system which prompted staff to verify the customer's age.

The Convener moved to a roll call vote, and the application was granted unanimously.

Decision

The Board unanimously granted the provisional premises licence.

**4. REVIEW OF OCCASIONAL LICENCE APPLICATIONS
Buck & Birch Ltd., Unit 9, Merryfield Business Centre, Macmerry**

The application for 13 occasional licences was before the Board after the LSO made representation under Sec 21(1) of the Licensing (Scotland) Act 2005. Buck & Birch had been selling alcohol through continuing occasional licences since 2020. The Board's statement of policy stated, "for activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months will not generally be considered suitable for the grant of an occasional licence and will not be granted by the Board under delegated authority but will require a hearing before the Board". The applications had attracted no objections from the police, NHS, planning, the LSO, or community council.

Rupert Waites, applicant, was present to speak to the application. He advised that the process of applying for a provisional premises licence had been started prior to lockdown, and had since resumed through MacDonald Licensing. The licences were to allow the business to fulfil postal sales and accommodate visitors tasting and purchasing products. He advised that an architect was also being sought to assist in producing a layout plan.

The LSO had visited the premises and confirmed that she had no objection to the granting of the licences. The matter had brought to the attention of the Board because the 13 applications for occasional licences, covering a period to January 2023, could not be granted under delegated powers; Board policy required that a hearing be convened to consider the applications due to them being for a recurring activity of a period of over three months.

PC Anderson advised that Police Scotland had no comment to make on the applications.

Mr Waites responded to questions from Board Members. He advised that he and his business partner were trying to find an architect to assist with the layout plan, but that this was an expensive service; he was unclear as to whether drawings could instead be done in-house. They would look to submit an application for a provisional premises licence as soon as possible and the production of a layout plan was the final step. Mr Grilli suggested that Mr Waites make contact with the licensing team to discuss the layout plan so there would be no further delay in making the application.

Responding to further questions, Mr Waites advised that through tasting and tours, the business hoped to reach out to local people, and visitors could purchase alcohol in from the shop. Mr Waites confirmed that the business operated within planning, licensing, and environmental health regulations, and all relevant training had been completed. He noted that alcohol sampling was generally considered to be low risk, and said the business had never had any problems with licensing, police, or environmental health. Mr Waites would consult with MacDonald Licensing regarding timescales for the submission of an application, but would acquire layout plans as a priority.

Councillor McMillan suggested that Members agree to grant all applications until the meeting of the East Lothian Licensing Board on 27th October 2022, by which time Members would expect that an application for a provisional premises licence would have been submitted. The Convener then moved to a roll call vote on this basis, and this was agreed unanimously.

Decision

The Board unanimously agreed to grant all occasional licence applications to cover the time period until the meeting of the East Lothian Licensing Board on 27th October 2022. All occasional licence applications covering the period after this date would be deliberated at the October meeting.

The Clerk of the Board advised that the Board considers hearing the following items, 5, 6a, and 6b, in private session. He also suggested that item 5 – Review of Premises Licence for No. 5 Duke Street, West Barns – be heard in conjunction with item 6 – Personal Licence Review for Natasha Colhoun. Board Members agreed to hear these items together and to hear all proceeding items in private session.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The East Lothian Licensing Board agreed to exclude the public from items 5, 6a, and 6b.

5. REVIEW OF PREMISES LICENCE No. 5 Duke Street, West Barns, Dunbar

The Board revoked the premises licence.

6a. REVIEW OF PERSONAL LICENCE Natasha Colhoun

The Board revoked the personal licence.

6b. REVIEW OF PERSONAL LICENCE William Black

The Board continued the review of the personal licence until the September meeting of the East Lothian Licensing Board.