



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

**THURSDAY 23 JUNE 2022  
ONLINE PLATFORM MEETING**

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**Board Members Present:**

Councillor L Bruce  
Councillor F Dugdale  
Councillor G McGuire  
Councillor J McMillan (Convener)

**Clerk of the Licensing Board:**

Mr C Grilli, Service Manager – Governance

**Attending:**

Ms G Herkes, Licensing Officer  
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration  
Ms K Harling, Licensing Standards Officer  
PC G Bairden, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor C Cassini  
Councillor G Gilbert

**Declarations of Interest:**

None

Members agreed that they would appoint the Convener of the East Lothian Licensing Board at a future meeting when a full complement of Board Members could be present. Councillor Dugdale nominated Councillor McMillan as Convener for the current meeting, and this was seconded by Councillor Bruce.

**1a. MAJOR VARIATION OF A PREMISES LICENCE**  
**Iceland Food Warehouse, Unit 3 Haddington Retail Park, Haddington**

The application sought to increase the capacity of the alcohol display area from 17.6m<sup>2</sup> to 26.4 m<sup>2</sup>, and to reconfigure the shelving area as shown in the layout plan. The application had attracted no objections from the police, NHS, planning, the LSO, public, or community council.

Niall Hassard, agent, was present to speak to the application, accompanied by Robert Hayes, Licensing Manager for Iceland Foods. Mr Hassard informed the Board of Iceland's new Food Warehouse concept. The alcohol offer would be ancillary to the grocery offer, with an increased variety of beers, ales, and wines. He highlighted that Iceland was a responsible retailer and there were no objections to the application.

Karen Harling, Licensing Standards Officer (LSO), had visited the premises and advised that the revised layout was in accordance with Board policy. She was satisfied with the CCTV system and that the alcohol display area was visible by checkout operatives at all times. She noted the store would serve several new housing developments, and had no objections to the proposals.

PC Graeme Bairden advised that Police Scotland held no objections to the application. He said that the premises appeared to be well run, and the police had received no calls regarding licensing issues at the store.

Mr Hassard responded to questions from Board Members. He advised that staff turnover within the Iceland organisation was low due to a good pay and conditions package, and staff were well trained in issues relating to alcohol. The company had been accredited with Grade 1 Training Status, and therefore dealt with their own training in-house. Staff were also required to complete six-monthly online training to supplement their usual hands-on alcohol training. Mr Hassard also advised that the store did not particularly attract gatherings of young people due to there being a focus on bulk purchasing of items. He also advised that the application was being made with the purpose of offering a greater range of craft beers, local, and more niche products; the display included premium wines in a wine-cave style display, which accounted for some of the increased alcohol display area.

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

**Decision**

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

**1b. MRH Dalrymple Filling Station, Dirleton Road, North Berwick**

The application sought to increase the capacity of off sales from 9.05m<sup>2</sup> to 11.43164m<sup>2</sup>, and to reconfigure the layout and shelving of the alcohol display area. The application had attracted no objections from the police, NHS, planning, the LSO, public, or community council.

Andrew Hunter, agent, was present to speak to the application. He advised that the application was part of Motor Fuel Ltd.'s improvement of the Londis convenience offer within the premises, comprising a small change to the alcohol display area and an increase in the range of products offered. The convenience store attached to the petrol station served the local residents of the housing located behind the premises. Mr Hunter also advised that Motor Fuel Ltd. used Serve Legal to test staff compliance with the Challenge 25 policy.

The LSO was satisfied that the layout plan was in accordance with the Licensing (Scotland) Act 2005, and that the display would remain in clear sight of the payment point. CCTV was also in operation and covered the alcohol display area. She commented that the premises appeared to be well run and she was unaware of any complaints made to the licensing service. Finally, she advised that there were no other premises in the immediate vicinity which sold alcohol.

PC Bairden said that no complaints had been made to the police regarding the premises, and noted that the application represented only a modest increase in capacity.

Responding to a question from Councillor McMillan, Mr Hunter advised that the increase in housing in the surrounding area and the investment in the premises had seen an increase in use of the convenience and grocery brand.

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

## **Decision**

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

### **1c. Royal British Legion, 147 High Street, Dunbar**

The application sought to change the operating hours on a Sunday from the existing hours of 12.30pm, to 12 midnight to 11am to 12 midnight; the requested operating hours were within Board policy. The application had attracted no objections from the police, NHS, planning, the LSO, or community council.

Laura Logan, manager, and Sharon Kaszuba, deputy premises manager, were present to speak to the application. Ms Logan advised that the Royal British Legion had applied for the major variation because they had recently installed Sky Sports; the premises wished to open early enough to show games beginning at 12pm.

The LSO advised that the application was in accordance with Board policy, and was unaware of any major concerns regarding the premises.

PC Bairden advised that Police Scotland had no objection to the major variation. He had visited the large premises several times and commented that staff were very proactive in engaging with the police. There had been only a few minor incidents, which staff had dealt with well. He did not foresee any issues being caused by the slightly earlier opening hour.

Carlo Grilli, Clerk of the Board, advised that there had been one public objection to the application, but that this had since been withdrawn.

Responding to questions from Board Members, Ms Logan advised that membership sat around 300 persons; the branch committee was made up entirely of those who were ex-armed forces, and the social committee was made up of members. She

advised that a doorman had been employed by the committee when the premises had seen an increase in young people, and any incidents had been reported through the committee. Incidents were also reported to the police, and CCTV footage could be shown.

Councillor Bruce commented that Royal British Legion clubs did a great job in supporting the veteran community. He was happy to grant the application to enable the premises to compete with other pubs in showing sporting events.

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

## **Decision**

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

### **1d. Winton Arms, Pencaitland, Tranent**

The application sought to change the layout plan and operating plan to hold conferences, restaurant facilities, meetings, televised sports. An outside drinking area would be added and used from 10am. Various activities to be included, such as quiz nights, and weddings to comply with Section 119 and Section 32 of Board policy. The application also included a decrease of on sales capacity from 254 to 149, and children and young persons would be permitted entry to all public areas at all times until 10pm, unless attending a private function. There would also be a reconfiguration and additional toilets added. The application had attracted no objections from the police, NHS, planning, the LSO, or community council. One public objection had been received on the basis of degradation of amenity for immediate neighbours caused by additional noise, smell, and general disturbance in a conservation area, and concerns about road safety and parking. The LSO supported the application based on the following: al fresco dining to take place between 10am-10pm only; there should be no amplified entertainment outdoors; the door leading to the outdoor area to be fitted with a closure mechanism and CCTV to cover this area; and Board policy to be complied with for deliveries.

Graeme Arnott, agent, was present to speak to the application. He advised that the Winton Arms was undergoing a major refurbishment, and the restaurant would be of a similar nature to The Ship Inn, the owners' other premises. He said that the applicants were minded of the objection submitted on the basis of traffic concerns, and would work with the council to try to organise alternative parking arrangements. He also highlighted the employment opportunities for the local area brought by the premises.

The LSO had visited the premises when building works were still in progress. She advised that the application stipulated that no alcohol would be served outwith core hours, even though some activities applied for were outwith core hours, such as televised sport. She noted all of the changes applied for in the application, and had no objections. She highlighted each of her recommendations noted in her report. She supported the application in its move towards a more family-orientated premises.

PC Bairden supported the inclusion of the LSO's recommended conditions. He urged staff to bear in mind the potential for breakout noise. There were no objections from Police Scotland. He commented that The Ship Inn was a well-run premises, and was confident that staff at the Winton Arms would deal with any issues which arose.

Mr Arnott answered questions from Board Members. He advised that he was happy with the LSO's conditions regarding timings and the door closure system to prevent noise breakout. Alcohol would be served from 11am in the morning, which was later

than the beginning of breakfast service. He said that the outdoor area would be used only in good weather; access would be through the bar, and the area would operate as table service only. CCTV was in operation throughout the premises. Mr Arnott also advised that there was space between the smoking area and the neighbouring properties, but the premises would cordon off an area for this purpose. He also advised that deliveries usually arrived between 9am-11am.

The Convener moved to a roll call vote. The application was granted unanimously, subject to the conditions in the LSO's report.

### **Decision**

The Board unanimously granted the major variation of the premises licence, subject to the following conditions:

- The use of the alfresco dining area should be opened no earlier than 10:00 hours and closed by 22:00 hours and there should be no public entertainment, amplified music, amplified vocals or live music played to ensure the use of the alfresco dining area does not cause nuisance to neighbouring residential properties. In addition, the door leading out to the area should be fitted with a door closure mechanism to prevent noise breakout from inside the premises to surrounding residential properties. CCTV should cover the outdoor area if installed.
- Provision of effective and properly maintained CCTV in and around the premises.
- Should the applicant operate a service of delivery of alcohol to customers, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of Section 32.1 to 32.4 of the Board's statement of licensing policy on deliveries of alcohol should be complied with.

Signed .....

Councillor J McMillan  
Convener of East Lothian Licensing Board