



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

**THURSDAY 23 FEBRUARY 2023  
ONLINE PLATFORM MEETING**

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**Board Members Present:**

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

**Clerk of the Licensing Board:**

Mr C Grilli, Service Manager – Governance

**Attending:**

Ms M Winter, Licensing Officer  
Ms C Aitken, Licensing Officer  
Ms K Harling, Licensing Standards Officer  
PC I Anderson, Police Scotland  
PC C Tait, Police Scotland  
Sgt R Stark, Police Scotland  
Insp D Wardell, Police Scotland

**Committee Clerk:**

Ms B Crichton – Committees Officer

**Apologies:**

Councillor F Dugdale

**Declarations of Interest:**

Item 5: Cllr McMillan declared an interest due to contact with the premises as part of his role as Spokesperson for Economic Development and Tourism.

**1. MINUTES FOR APPROVAL  
East Lothian Licensing Board, 26 January 2023**

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

**2. STATEMENT – GENERAL EXTENSION FOR KING CHARLES III  
CORONATION**

The Convener made a statement on behalf of the East Lothian Licensing Board. In terms of Section 67 of the Licensing (Scotland) Act 2005, the Board determined that it would be appropriate to grant an extension of licensed hours for His Majesty the King's Coronation holiday weekend. The extension would apply from Friday 5 May to Sunday 7 May 2023 inclusive and would allow an extension of the terminal hour for the sale of alcohol during that period until 1am. This extension would only apply to on-sales and not to off-sales of alcohol.

There would be no general extensions beyond this, although any applications for extended hours outwith the general extension would be considered on a case-by-case basis. It should be noted that any such applications would require to be submitted no later than 14 April 2023.

There would be no need for licensees to apply for the general extension to 1am. On-sales premises could utilise these hours to the extent they considered appropriate.

**3. PREMISES LICENCE – PERIOD OF EFFECT  
Dunglass Estate, Cockburnspath**

The hearing had been called following representation from Karen Harling, Licensing Standards Officer (LSO), due to the area covered by the premises licence no longer existing. The LSO requested the Board's approval that Licence No. EL036 would cease to have effect.

The LSO highlighted that if a licensed premises ceased to be used for the sale of alcohol, then the premises licence would cease to have effect. She provided an account of the licensing history of the premises, and advised that an application to transfer from GH Event Catering to Dunglass Estate Events in November 2020 had not been completed. Operations had since moved to a different site on the estate which had been covered by occasional licences, and she reported that the company were agreeable to submitting a new premises licence application for the current operation.

Claire Weir was present on behalf of Dunglass Estate Events. She agreed with the LSO's comments and said that she had begun the process of applying for a new premises licence. She advised that she would meet with health and hygiene in the following week, and was completing an application for a personal licence.

PC Iain Anderson confirmed that Police Scotland had no comment to make.

Councillor McMillan thanked the LSO for her diligence with such operations. He passed on his best wishes to the Dunglass Estate and hoped that their staff would continue to work with the council's licensing team.

The Convener moved to a roll call vote to confirm support for the LSO's request for Licence No. EL036 to cease to have effect. Members unanimously agreed.

## **Decision**

The East Lothian Licensing Board agreed that Premises Licence No. EL036 would cease to have effect.

### **4. PROVISIONAL PREMISES LICENCE Humbie Hub Ltd., Humbie General Store, Humbie**

The provisional premises licence application was for a village shop and café with outside gardens, and requested: on-sales from 12 noon to 11pm, Monday to Sunday, and off-sales from 10am to 8pm, Monday to Sunday; outdoor drinking facilities outside core hours to cover breakfast and coffees, with a terminal hour for the outside area of 8pm; funerals/birthday parties/meetings and live performances to be held during core hours; children to be allowed entry from 8am to 4pm with an adult, young persons to be allowed entry from 8am to 4pm without an adult, and 0-17 year olds to be accompanied by an adult at evening events. The capacity of the shop was 13, the café 40, and the garden 40 persons. The application had attracted no objections from the police, planning, environmental health & safety, or the community council, but there were two letters of support from members of the public. The LSO had recommended conditions: that there be no amplified entertainment in the outdoor area; that the outdoor area be clearly delineated; and that use of the outdoor area should cease at 8pm.

Morag Taylor was present to speak to the application. She emphasised that the operation was very small, so any gatherings would be kept to minimal attendance as there was not space to hold large events. It was hoped to hold themed meal evenings and to invite speakers in, and she referenced recent events that had taken place at the premises.

Councillor McMillan congratulated Ms Taylor on the Humbie Hub's recent national award. He asked how the premises kept in touch with neighbours to reassure them on noise levels. Ms Taylor said that the Humbie Hub would inform its neighbours of any events, but she thought events would not be regular occurrences; the lack of public transport meant that visitors would not be able to consume alcohol to excess, and there was not enough space to host large events.

The LSO voiced her support for the application, with the premises providing a hub for the community and attracting cyclists and day visitors. She said the on-sales times had been requested so that the premises could hold infrequent events. There had been no complaints about use of the outdoor area. She highlighted the recommended conditions from her report, and advised that the outdoor area was already clearly delineated.

PC Anderson reported that there had been no issues when the premises had operated under occasional licences.

Councillor McGuire thought the venue offered a fantastic selection of food and drink, and provided a lifeline for the village. He said the national award reflected the hard work that had gone into the premises. He noted the supportive comments from local residents and would support the application.

Councillor McMillan praised the Humbie Hub for their stocking of local products, and for the way in which they sustained a sense of community.

The Convener moved to roll call vote, and the Members unanimously confirmed their support for the application.

### **Decision**

The East Lothian Licensing Board granted the provisional premises licence, subject to the LSO's recommended conditions.

*Sederunt: Councillor McMillan left the meeting.*

### **5. MAJOR VARIATION OF PREMISES LICENCE Levenhall Village Store, 3 Ravensheigh Road, Musselburgh**

The major variation application had been made to add home deliveries for food and alcohol between 10am and 10pm. The application had attracted no objections from the police, planning, environmental health & safety, or the community council. The LSO had made representation to recommend standard conditions relating to deliveries, specifically that the Board's statement of licensing policy on deliveries of alcohol and the terms of the Licensing (Scotland) Act 2005 Section 119 be complied with.

Ferhan Ashiq was present to speak to the application. He said that everything remained the same from the 2018 premises licence application, but the store now looked to add deliveries. He spoke of a successful family business in Prestonpans, which had now been sold. He said he would speak with the LSO about any ideas before submitting an application. He advised that the business would use the Snappy Shopper app for deliveries.

Responding to a question from Councillor Gilbert, Mr Ashiq advised that he had been one of the first licensees to obtain an online delivery licence in 2019, and advised that around 20% of all sales were alcohol-related.

The LSO had spoken with Mr Ashiq about the application and had given advice on the requirements for training when conducting deliveries, including age verification. She reiterated her report's recommendation for standard conditions relating to deliveries.

PC Anderson confirmed that Police Scotland had no issues or concerns with the application.

Councillor McGuire noted Mr Ashiq's experience, good record, and due diligence carried out before submitting applications. He would support the application. The Convener said the store was well managed and would also support the application.

The Convener moved to roll call vote, and Members unanimously confirmed their support for the application.

### **Decision**

The East Lothian Licensing Board agreed to grant the major variation to the premises licence, subject to the LSO's recommended standard conditions relating to deliveries.

*Sederunt: Councillor McMillan re-joined the meeting.*

**6a. OCCASIONAL LICENCE  
Ormiston Gala Committee, Gala Day, Ormiston Park**

The application sought an occasional licence for a pop-up bar for an annual children's gala day to be held in the park, and would include food stalls, shows, live music, and dance performances, with 400 persons expected to attend. It had come before the Board on the basis of an objection from the LSO. In her objection, she highlighted Board policy that an event predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it, and would be required to justify why an alcohol licence was required. Her report stated that the applicant had not demonstrated sufficient measures to protect children and young persons from harm, and highlighted that it would be difficult to protect children and young persons from exposure to alcohol at a children's event. The report also highlighted a lack of detail within the application on how the bar area would be managed to prevent attendees leaving the bar area with alcohol, which would result in a breach of the local byelaw prohibiting drinking alcohol in a public place. Her report had also recommended a number of conditions, should the Board wish to grant the licence.

Jordan Diggins was present to speak to the application. He said that the bar would be a charitable bar, with half of the profits going back into the children's gala. He said that a site plan had been provided, and there would be no alcohol consumption outside of the marquee bar area. He reassured Members that stewards provided by the licensed bar would check IDs, and said he had been awaiting the safety advisory group (SAG) meeting to address some of these issues with police.

Responding to a question from Councillor McMillan, Mr Diggins said that the main risks he foresaw were at the clean-up stages. He said there would be medical professionals on site to deal with any emergencies. He acknowledged that some people could consume alcohol to excess, but highlighted the limited event time of 12.30pm to 5pm, to include set-up, breakdown, and the parade. Responding to a question from Councillor Bruce, Mr Diggins advised that the main reason for having a bar was to raise funds for the gala day, and there would be no supply of alcohol if it was not for this fundraising requirement.

The LSO read the relevant statement of licensing policy from her report, and elaborated that she did not find fundraising to be sufficient justification to grant a licence for a children's gala day. She highlighted that the terminology being used around a 'licensed bar' was incorrect, and reminded Members that the licence being applied for would be Mr Diggins' responsibility. She pointed out difficulties with a segregated area which children were not allowed to enter, when parents would have to be responsible for their children at the gala day. She had concerns about the positioning of the bar next to the stalls and stage. She also noted shortcomings in the application such as there being no mention of age verification policies, and it not being made clear from where the bar would be sourced or who would man the bar. She highlighted concerns that improper management of the bar area could lead to alcohol being taken into the wider area, which would be in contravention to the local byelaw. She also advised that case studies showed that alcohol visibility did impact on children at such events. She highlighted her recommended conditions in her report should the Board be minded to grant the licence.

PC Anderson advised that the application had gone without objection from Police Scotland in the previous year. He had checked police systems for drunkenness or violence issues as far back as 2016 around the gala day, and reported there had been no issues. There would be two officers on duty at the event.

Inspector Dougie Wardell voiced his support for the LSO's stance. He noted issue with the presence of parents at the event being noted on the application as having a role in managing the bar area, but it being parents also expected to make use of the bar. It was expected that the local pub would be at capacity on gala day, giving an indication of how much alcohol was already consumed. He thought that bringing alcohol consumption into the main arena introduced unnecessary risks, including having to consider enforcement of local byelaws; he anticipated a number of people in possession of alcohol being outwith the licensed area. He did not welcome the idea of having to carry out unnecessary enforcement activity at what should be a fun family event, as this could damage community relationships. He felt that other measures could be taken to raise funds, and was mindful to consider whether a precedent would be set.

Responding to questions from Councillor McMillan, Mr Diggins confirmed that the occasional licence for the previous year's gala day had been granted without issue. He understood the event to be a children's gala day, but noted difficulty fundraising and said that multiple events were already held. He reiterated that the bar would be outsourced and the staff would undertake age verification checks, with volunteers providing a second level of age verification. In response, Inspector Wardell confirmed that his objection was not out of concern that alcohol would be sold to young persons, but rather a potential lack of diligence from parents who may be partaking in the consumption of alcohol.

The LSO raised concern regarding the reference to a 'licensed bar'; Mr Diggins said that the bar ran at events such as weddings, but said he must have been thinking of the staff training rather than licences held. He said that he understood that the occasional licence for which he was applying was the licence under which alcohol would be served, and that he and the gala committee would be responsible on the day. He highlighted that the one bar in Ormiston was a small bar, and said it would also be of benefit to their premises to free up some space on the day.

Councillor McGuire had sympathy for Mr Diggins and the gala committee who were trying to do their best for the local community. He questioned Mr Diggins' experience in running major public events and preparation in applying for the licence, and noted the need to exercise due care and diligence in terms of procedures, risk assessments, and public liability. He suggested that the local bar could perhaps make a donation to the event since they did such good business on gala day. Mr Diggins said that the bar provided use of facilities and were supportive of the event. He also responded that he had experience of project work in his professional role, but had assumed that the SAG meeting would be when the discussions around such details would have taken place.

Councillor McMillan asked whether the bar itself could make the occasional licence application. The LSO advised that should the current application be refused, a personal licence holder from the bar could make an application, but her objection would still stand in relation to the exposure of children to alcohol; she said there would be other ways of raising funds without exposing children to alcohol.

The Convener called an adjournment to allow Board Members to discuss the application in private. Upon their return, they moved to a roll call vote, and Members unanimously voted to refuse the application.

The Convener commented that the Board was sorry not to be able to support the application and appreciated the work of volunteers in organising community events. He provided the grounds for refusal, noted below.

## **Decision**

The East Lothian Licensing Board refused the occasional licence for the following reasons:

- that the premises to which the application related were excluded premises
- that the application must be refused under section 56(6A), 64(2) or 65(3) of the Act;
- that the Licensing Board considered the granting of the application would be inconsistent with one or more of the licensing objectives;
- that, having regard to:
  - the nature of the activities, with the gala being primarily focused towards children; and
  - the location, character and condition of the premises would not assist, they considered that the premises was unsuitable for use for the sale of alcohol.

**6b. Alison Bombail, Gosford House, Wemyss and March Estate**

The occasional licence application was to cover on sales for a two-day wedding on Friday 5 May (5.30pm to 12.30am) and Saturday 6 May (5.30pm to 2am) 2023. The application had attracted no objections, but the LSO had requested conditions that a trained first aider be available from 1am and Security Industry Authority (SIA) stewards be employed until all persons had vacated the premises. Police Scotland had requested the following conditions: a personal licence holder be present for the duration of the event; a fully trained first aider be on duty after 1am; appropriate stewarding be in place to provide appropriate control of the premises and those persons engaged in such duties be registered as door stewards with the SIA; staff and stewards be fully briefed prior to the event in relation to drunkenness offences and duty of care to customers, and a record of this briefing be retained detailing information covered and names of staff briefed; no alcohol be sold after 1am on Friday 5 May or after 2am on Saturday 6 May; staff ensure that guests are advised to be considerate of others and leave in a quiet and orderly manner; and other reasonable requests made by the police or council officials be complied with.

Alison Bombail was present to speak to the application. The wedding at the Gosford Estate would be for up to 180 guests, and had asked for a late finish to fit in with French customs. She gave an account of actions taken following a meeting with the LSO, and said there was always a first aider present at events on the estate. There would be two door supervisors starting at 8pm at the reception on the Friday evening. She then gave an account of how the event would comply with the various police requests, and she would be on site throughout as a personal licence holder and trained first aider. Paramedics and stewards would also be on site, and had been booked for later than the event's finish time. Staff and stewards would be briefed on drunkenness offences. She was aware that the requested times were outwith Board policy, but each recommendation had been addressed. She advised that shuttles would be provided between the event and accommodation from 11pm to 1am.

The LSO had visited Ms Bombail at Gosford house and found her to be extremely professional and aware of her responsibilities. She had discussed working towards a premises licence for the venue to negate the need for occasional licences. She was fully in support of the application, and reiterated the two conditions from her report.

PC Anderson noted that the original application had been until 4am, but had subsequently been withdrawn. Given the rural location, he was satisfied with the transport arrangements and that no one would be on foot.

Responding to questions from Members, Ms Bombail advised that several French speakers from the industry would assist at the event, with French speakers hosting the whisky tasting and working behind the bar.

Councillor McGuire felt the report from Ms Bombail had been comprehensive and commented positively on what Gosford House would have to offer visitors to East Lothian.

The Convener moved to a roll call vote, and Members unanimously confirmed their support for the application.

### **Decision**

The East Lothian Licensing Board granted the occasional licence, subject to the LSO's and Police Scotland's recommended conditions.

#### **6c. Haddington Rugby Football Club, Neilson Park Lodge, Mill Wynd, Haddington**

The application sought an occasional licence to run a beer festival with music to be held outside Haddington Rugby Football Club (HRFC), with approximately 1500 persons attending. The application had attracted no objections, but the LSO had recommended that an agreed drug and alcohol management plan be adhered to during the event. Police Scotland had also recommended a number of conditions, which are detailed in the decision section below.

Nick Bell, HRFC committee member, spoke to the application. He said the new beer and music festival was planned for 12 noon to 6pm on Saturday 20 May 2023, and was a pre-ticketed event. He said the event would be strictly 18+, a condition of the ticketing system in use, and anyone without a ticket would be refused entry. The event area would be delineated using heras fencing, and Scotia Security Ltd. had recommended one steward to every 100 attendees. The event would take place in conjunction with the Winton Brewery, and Steve Holligan from the brewery, as well as committee members, had met with the LSO in the planning stages. He advised there would be three trained first aiders on site, which had been outsourced to a company.

Responding to a question from Councillor McMillan, Mr Bell said that the security team would be able to help with crowd dispersal if required. He noted the relatively short drinking hours of 12 noon to 6pm, with bars closing 30 minutes prior to the end of the event. He highlighted the site plan and marked exits, and said that the security team would ensure no alcohol would be taken off site. The organisers had agreed to keep noise within sensible limits, and also planned to contact surrounding properties to make them aware of the event. Councillor McMillan agreed that the club's relationship with its neighbours was normally very good.

The LSO reported that she had worked at length with Robert Snodgrass and Mr Bell. She acknowledged that HRFC premises caused no issues and ran events to benefit the community. She was confident in the ability of the Winton Brewery to run a successful event, and Mr Holligan, a personal licence holder, had volunteered to provide training to the HRFC volunteers. She fully supported the application, and highlighted her recommended condition that a drug and alcohol management plan, detailed within her report, be followed.

PC Anderson advised that Police Scotland had not received the alcohol and drugs management plan and noted that this covered most of the recommended conditions



raised by Police Scotland. He highlighted that previous club events had proceeded without incident. He said a SAG meeting would discuss the finer points of the event on 16 March.

Councillor McGuire felt that the festival would help to promote wellbeing and the good work of HRFC. Given the good previous record of the HRFC premises, he was happy to support the application. The Convener echoed these comments and thought it would be a fantastic event for the club and for Haddington.

The Convener moved to a roll call vote, and Members unanimously confirmed their support for the application.

## **Decision**

The East Lothian Licensing Board granted the occasional licence, subject to the LSO's recommended condition that a drug and alcohol management plan be adhered to, and subject also to Police Scotland's recommended conditions, namely:

- The licence holder or nominee shall be in charge and present on the licensed site at all times members of the public are present, and have a primary and continuing obligation and responsibility to ensure the safety of all persons at all times during the event.
- The licence holder shall comply with all of their duties and responsibilities under health and safety law insofar as applicable to the licensed event.
- The licence holder shall ensure that the agreed layout plan for the licensed event is complied with.
- Plastic drinking containers to be used throughout the duration of the event.
- The licensed site must be clearly delineated and appropriate stewarding to be in place to provide adequate control of the premises. Positive measures of entry control should also be introduced to prevent uninvited persons gaining access to the event. Organisers of events should note that from 1 November 2007, when the relevant provisions of the Private Security Industry Act 2001 came into force, there was mandatory licensing of the private security industry. This means that it is an offence to employ unlicensed stewards at events. Volunteers who carry out these roles are exempt from the requirements of the Act but organisers may wish to take independent advice on the legality of their security arrangements at events. For further information consult the following website:  
<https://www.sia.homeoffice.gov.uk/Pages/home.aspx>
- The licence holder should be aware that Haddington is in an alcohol byelaw area, consequently the licensed area must be clearly delineated and stewarded by the organiser to ensure that there is no alcohol taken from this area.
- The licence holder shall ensure that no event staff, whether on duty or not, are on the licensed site in an intoxicated state.
- An adequate number of staff/volunteers/stewards should have knowledge of first aid procedure.
- Appropriate steps must be taken to ensure that the number of persons within the public area does not exceed the agreed capacity of the premises or venue.
- Appropriate provision to be made in order to care for persons refused entry to the event, or ejected from the event, due to alcohol intoxication or being

under the influence of other substances; such persons are not to be left unattended.

- Anyone ejected from the event will not be permitted re-entry at any time to the event.
- The licence holder shall ensure that members of the public exit the site on the licensed event terminating as quickly as possible, in order and as quietly as possible.
- The applicant will comply with all reasonable/lawful requests made by authorised officers of the local authority and/or police officers.
- The Chief Constable or the most senior officer present may, if he or she reasonably believes that there is, or is likely imminently, to be a serious threat to public safety on, or in the vicinity of the licensed event, including where a breach of licensing conditions would pose a serious threat to public safety, close the event immediately for such a period as may be necessary.

## **7. PERSONAL LICENCE**

### **Tony Exelby**

The application for a personal licence had come before the Board on the basis of representation from Police Scotland, which requested that the application be refused for the purposes of preventing crime and disorder and securing public safety licensing objectives.

Due to the nature of the police objection, Members agreed that the remainder of the item would be discussed in private session.

### **Decision**

The East Lothian Licensing Board agreed to continue the application.