



**MINUTES OF THE MEETING OF
EAST LOTHIAN LICENSING BOARD
THURSDAY 25 MAY 2023
ONLINE PLATFORM MEETING**

Board Members Present:

Councillor L Bruce (Convener)
Councillor C Cassini
Councillor N Gilbert
Councillor G McGuire

Clerk of the Licensing Board:

Mr C Grilli, Service Manager – Governance

Attending:

Ms M Winter, Licensing Officer
Ms K Harling, Licensing Standards Officer
Sgt R Stark, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor F Dugdale
Councillor J McMillan

Declarations of Interest:

None

1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 27 April 2023

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

2. MAJOR VARIATION OF PREMISES LICENCE
a. Musselburgh Racecourse, Linkfield Road, Musselburgh

The application sought a major variation to add bouncy castles, inflatables, and fairground rides to the operating and layout plans. The application had attracted no objections from planning, environmental health and safety, the community council, the LSO, or Police Scotland. One public objection had been received on the basis of noise pollution, the impact on wildlife as the site was adjacent to a bird reserve, and concerns over antisocial behaviour, pollution, and carbon emissions.

Philip Duncan, Operations Manager of the Musselburgh Racecourse, was present to speak to the application. He advised that the addition of funfairs to the premises licence followed an annual Safety Advisory Group (SAG) meeting, and said funfairs had been running for some time at the racecourse. He stated that the request was not intended to increase the number of funfairs, and there would still be four per year on the site.

Sergeant Rachel Stark confirmed that Police Scotland had no objection to the major variation.

Karen Harling, Licensing Standards Officer (LSO), said that the SAG had discussed the gap in the premises licence for funfairs as an activity on the operating plan, and that a retrospective change would be required. She said that the funfairs had not attracted any complaints to the racecourse, and the four events per year were part of the normal running of the racecourse. She had no objections to the major variation.

Responding to a question from the Convener, Mr Duncan provided information on some of the external companies who ran the funfairs on family days, and said that risk assessments were carried out for these activities. He advised that noise could be an issue, and said the racecourse proactively monitored noise throughout family days. He advised that the Honest Toun Association Day would take place on the last Saturday in July, and this event had also been through the SAG process.

The Convener felt comforted by the steps taken to monitor noise. He then moved to a roll call vote, and Members unanimously confirmed their support for the application.

Decision

The East Lothian Licensing Board agreed to grant the major variation application.

b. The Bonnie Badger, Main Street, Gullane

The application sought to vary the operating plan to change the core hours from 11am to 9am Monday to Sunday for a facility to allow non-residents to have alcohol with breakfast. There had been no objections from the public, NHS, community council, or planning. Police Scotland had no objection to the application, but as the hours requested exceed 14 hours of trading per day, recommended that the Board require the applicant to justify their request and demonstrate measures that promoted the five licensing objectives. The Licensing Standards Officer (LSO) had submitted a report to recommend conditions that alcohol served between 9am-11am must be accompanied

by a substantial plated meal with a limit of two drinks per person, and that alcohol served during this time be served only by the glass and not by the bottle.

Caroline Loudon, agent, and Philippe Nublart, from the Bonnie Badger, were present to speak to the application. Ms Loudon described the different spaces within the restaurant. She noted that the 14 hours of continuous trading recommendation by the Scottish Government was only guidance; she made the case that the Bonnie Badger was an exceptional venue which attracted international visitors who sought an alcoholic drink with breakfast. She noted that those staying in the hotel rooms could already enjoy an alcoholic drink with breakfast. She advised that her client was happy to accept the LSO's recommended conditions.

PC Iain Anderson highlighted that the Police Scotland representation noted that the service of alcohol from 9am was outwith Board policy. He also advised that the Bonnie Badger was in good order and police had received no calls in relation to the premises.

The LSO referred to report, which highlighted that on sales beginning at 9am were outwith Board policy, but as Ms Loudon had outlined the justification for the request and had accepted the suggested conditions, she had no further comment to make on the application.

Responding to a question from Councillor Gilbert, the LSO confirmed that the condition regarding the serving of alcohol by the glass was to ensure customers did not order wine by the bottle; drinks would instead be served as a standard measure for the premises.

The Convener noted the similarity of this application to a recent application from No. 12 Bar & Bistro in North Berwick. He thought that a more continental approach to drinking alcohol, associating drinking with food, was a positive step. He commented on the quality of the premises' offerings, and was happy to support the application.

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

Decision

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

- i) Alcohol Served between 0900-1100 hrs to be accompanied by a substantial plated meal with a limit of two drinks per person.
- ii) Alcohol served between 0900-1100 hrs to be served only by the glass and not by the bottle.

3. OCCASIONAL LICENCE APPLICATION

Craig Hodgson, Marquee and Surrounding Main Garden Area, Cockenzie House & Gardens

The application was for live music events, EH32 Live by Rambling Stage Events, running from 12pm-10pm. The application was for music between 2pm-9pm. There would be two bars in the form of converted horseboxes, and food would also be available. The event would be a public event and would not require a ticket. There had been no objections submitted by Police Scotland or the public. Environmental Health & Safety had submitted comments on the application and requested that a condition restricting the number and frequency of events be imposed to avoid disruption to

residential amenity, as numerous complaints had been received in the previous year. The LSO had recommended a number of conditions, noted below.

Craig Hodgson, applicant, was present to speak to the application. He advised that the events would run only on Saturdays and Sundays, with timings for live music from 2pm-8.30pm, with breaks. He was happy to accept the LSO's recommended conditions. He referred to complaints about noise in the previous year; he advised that a new noise reduction barrier system would be installed on the back of the tent which could reduce noise by up to 37 decibels.

PC Anderson advised that Police Scotland had not received complaints about noise from the event.

The LSO provided a description of the event, and referred to the noise complaints from local residents in relation to the duration and repeat nature of the event. She had discussed the noise level with the applicant, and Mr Hodgson had said that security would be in place to patrol and stop alcohol being brought into the event. She advised of her recommended conditions, noted below.

Councillor Gilbert asked whether there could be conditions imposed for music to cease at 8pm, bar sales to finish at 7.30pm, and to ensure that events ran only on Saturdays and Sundays. Mr Grilli said that a condition could be imposed that no alcohol would be sold Monday to Friday. Mr Hodgson said that he would accept these conditions to ensure the event could go ahead.

Responding to questions from Councillor McGuire, Mr Hodgson reiterated that the security stewards would carry out searches and would be vigilant to drug taking or alcohol being brought in. There would be up to 150 people present, with seating for 120. Stewards would monitor attendee numbers at entrances and exits using a clicker. He confirmed that entry would be free.

Councillor McGuire supported these local events. He felt the applicant had made efforts to address issues raised in the previous year and was minded to support the application.

The Convener noted that there was a good deal of residential housing nearby, and thought that the events would need to be well managed because of this. He agreed that conditions should be added to limit the days of the week the events could take place and to limit the times they could run.

Councillor Gilbert proposed that conditions be imposed to limit the days that events could take place to Saturdays and Sundays, for music to cease at 8pm, and bar sales to cease at 7.30pm. These proposals were seconded by Councillor Bruce.

The Convener moved to a roll call vote, and Members unanimously indicated their support for the application, subject to the LSO's recommended conditions and the additional conditions proposed by Councillor Gilbert and seconded by the Convener.

Decision

The East Lothian Licensing Board agreed to grant the occasional licence, subject to the following:

- i. Positive measures of entry control to be introduced to prevent uninvited persons gaining access to the event and the maintenance of order within.
- ii. All drinks to be served in approved plastic containers.

- iii. Amplified announcements/music/entertainment noise levels to be controlled so that they are non-intrusive/low level at any neighbouring residential properties.
- iv. There should be a personal licence holder present within the bar area at all times and all staff involved in the sale and/or supply of alcohol should have received the two hours' mandatory training, as required under the legislation.
- v. A written policy on how to deal with customers and any other person on the premises who may have become incapacitated or vulnerable through drink or drugs to be held on the premises and available for inspection by Police and the Licensing Standards Officer.
- vi. Children and Young Persons (0-17 years) may only gain entry to the event if accompanied by a responsible parent or guardian over the age of 25 years.
- vii. All reasonable requests made by the police or Licensing Standards Officers to be complied with.
- viii. No alcohol to be sold Monday to Friday.
- ix. Bar sales to cease at 7.30pm
- x. Music to cease at 8pm.

4. PERSONAL LICENCE (CONTINUATION) Amerjeet Singh

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. The application had been heard at the November meeting of the Licensing Board and had been continued.

PC Anderson advised that Mr Singh's pending case would now be heard in court on 23 August 2023. Police Scotland could not comment further when a court case was pending.

The Convener proposed to continue the application for a period of six months unless any new information came forward. Board Members unanimously agreed with this proposal.

Decision

The Board agreed to continue the application for a period of six months. The application would be heard sooner if any new information came forward.

5. OCCASIONAL LICENCE APPLICATION Erin Linklater, Carfrae Farm Shop, Carfrae Farm, Haddington

The application was for off sales for Carfrae Farm Shop, selling a range of food, produce, gifts, and alcohol. Hours of sales were from 10am to 10pm Monday to Sunday, running from 1 June – 23 August 2023. The application had come before the Board because it was outwith Board policy to continue issuing occasional licences under delegated powers for activities occurring on the premises regularly over a period of at least three months.

Eric Linklater and Trudi Cueto were present to speak to the application. Ms Cueto provided background information on the business, which had opened in September 2022. The primary ethos was to support local businesses, and many local products were stocked in the shop. There had been excellent local support as well as international visitors. She said she had wrongly assumed it would be possible to continue to run for longer on occasional licences, and said the business was happy to proceed with making a provisional premises licence application. She explained that part of the delay had been personal circumstances relating to care of a family member on the farm. She was investigating how to apply for a Section 50 certificate, and awaiting an architect digitising the layout plan of the shop. She acknowledged the LSO's helpful guidance in drafting the provisional premises licence application.

PC Anderson advised that Police Scotland had no objections to the application and had received no calls in relation to the premises.

Responding to a question from the Convener, Ms Cueto advised that the provisional premises licence application was completed, but only a hand drawing of the layout plan was available. The LSO advised that the application should not be progressed without a Section 50 certificate and a layout plan that met regulations.

Councillor McGuire was pleased to see a local venture aiming to support and promote other local businesses, particularly around Gifford which was not well resourced for shops. He would support the application. The Convener echoed Councillor McGuire's sentiments. He urged the applicants to submit an application for a full premises licence, as it was not ideal to run on occasional licences, but in the meantime he was happy to support the application.

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

Decision

The East Lothian Licensing Board agreed to grant the occasional licence.

Signed

Councillor L Bruce
Convener of East Lothian Licensing Board