



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

**THURSDAY 26 OCTOBER 2023  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON & HYBRID SYSTEM**

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**Board Members Present:**

Councillor C Cassini  
Councillor F Dugdale  
Councillor N Gilbert  
Councillor G McGuire  
Councillor J McMillan

**Clerk of the Licensing Board:**

Mr C Grilli, Service Manager – Governance

**Attending:**

Ms G Herkes, Licensing Officer  
Ms K Harling, Licensing Standards Officer  
Sgt G Wood, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor L Bruce

**Declarations of Interest:**

None

## **STATEMENT OF EXTENSION OF FESTIVE HOURS**

Councillor McMillan made a statement on behalf of the East Lothian Licensing Board:

In terms of Section 67 of the Licensing (Scotland) Act 2005 ‘the Act’, the Board had determined that it was appropriate to grant a general extension of licensed hours for the festive period. This extension would apply as follows:

Christmas Eve – Sunday 24<sup>th</sup> December 2023,  
Christmas Day – Monday 25<sup>th</sup> December 2023,  
Boxing Day – Tuesday 26<sup>th</sup> December 2023,  
Hogmanay – Sunday 31<sup>st</sup> December 2023 and  
New Year’s Day – Monday 1<sup>st</sup> January 2024, (inclusive) and would allow an extension of the terminal hour for the sale of alcohol during that period until 2am.

This extension would only apply to on-sales and not to off-sales of alcohol.

There would be no general extensions outwith these days although any applications for extended hours outwith the general extension would be considered on a case-by-case basis. It should be noted that such applications require to be submitted not later than 2<sup>nd</sup> December.

There would be no need for licensees to apply for the general extension to 2am. On-sales premises could utilise these hours to the extent they considered appropriate.

### **1. MINUTES FOR APPROVAL 28 September 2023**

The minutes were approved as an accurate record of the meeting, subject to a correction to the list of attendees.

### **2. VARIATION OF PROVISIONAL LICENCE Wine Wednesdays, 8c Links Road, North Berwick**

The application sought to add online orders and deliveries to the provisional premises licence. The application had attracted no objections from the police, NHS, planning, the Licensing Standards Officer (LSO), public, or community council. The LSO had submitted a report including a recommended condition relating to the delivery of alcohol, noted below.

Catherine Boot, applicant, was present to speak to the application. She advised that the business had already undertaken home deliveries and online orders, but it had been brought to her attention that this had to be added to the licence. She said she had neglected to tick the correct box as part of the initial application.

PC Lee Wilson had no comments or objections to make on behalf of Police Scotland.

Karen Harling, LSO, had communicated with the applicant regularly in the previous year, and said the application before the Board was to make changes to online sales. She had recommended a condition to remain in line with the Act and Board policy, and otherwise was supportive of the changes.

Responding to a question from Councillor McMillan, the LSO advised that her recommendation related to ensuring age verification checks would be done to a suitable standard, and impressing upon courier services the importance of age verification and not leaving alcohol in a safe place or with someone under the age of 18. She added that the applicant had already been working from a deliveries policy, meaning that most of what had been recommended was already in place.

Councillor Gilbert formally proposed the LSO's recommendations relating to alcohol deliveries, and Councillor McGuire seconded this proposal.

The Convener moved to a roll call vote, subject to the LSO's recommendation, noted below, and the application was granted unanimously.

## **Decision**

The Board granted the major variation, subject to the following LSO recommendation:

- Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol should be complied with.

### **3. MAJOR VARIATION OF PREMISES LICENCE**

#### **a. The Lobster Shack, North Harbour Walkway, North Berwick**

The application sought to vary the premises licence to extend trading for the whole year, and to make a change to the premises address. The application had attracted no objections from the police, NHS, planning, public, LSO, or community council.

Stirling Stewart, applicant, spoke to the application. He provided background information on The Lobster Shack, which had been established 11 years previously at North Berwick Harbour. He described the business as being popular with customers from the UK and abroad, and reported that it had featured in a Scotrail advertising campaign. He also described the direct route to market for local fishermen. Since demand had grown, he planned to open year-round instead of continuing with the established pattern of closing in September/October.

PC Wilson confirmed that Police Scotland had no objections to the major variation application.

The LSO had spoken with Mr Stewart and had visited the premises in relation to the application. She had raised an issue with the site notice, but this had been rectified, and she confirmed it had been displayed for the appropriate time. She had no complaints to make regarding operations at the premises, and had no objections or recommendations regarding proposed changes.

Responding to a question from Councillor Gilbert, Mr Stewart advised that the premises would not open in adverse weather if it would present any danger to customers and staff. The premises had been closed for three days over the previous weekend due to adverse weather. He advised that the premises had a significant online following and changes to opening hours would be advertised online.

Councillor Dugdale asked about environmental health's representation regarding the provision of water and drainage during the proposed extended trading time. Mr Stewart responded that there would be no change to the provision of water and drainage over

the winter months, and operation would continue similarly to that of the previous 11 years.

Councillor McGuire asked about heating of the seating areas. Mr Stewart referred to the plans submitted as part of the application, and highlighted the glass-fronted covered area as having electric heaters. He said this area was very sheltered, but he would advise customers bring a jacket on a cold day.

Councillor McMillan was minded to grant the application and knew that the premises was well managed. He noted that there were no objections, and he felt that the business added value to local tourism and food and drink offerings.

The Convener moved to a roll call vote, and Members unanimously voted to grant the major variation.

### **Decision**

The Board granted the major variation of the premises licence.

#### **b. Dunbar Garden Centre, Spott Road, North Berwick**

The application sought to vary the premises licence to add markets, inflatable courses, VR rides, and Santa's grottos as activities within and outwith core hours. The application had attracted no objections from the police, LSO, NHS, public, planning, or community council.

Ilmars Bogdanov was present to speak to the application. He outlined the proposed changes, which were to add Christmas markets, VR rides, entertainment for children, inflatable assault courses. He advised that multiple risk assessments had been put in place and it was hoped that the events would provide entertainment for the community.

PC Wilson confirmed that Police Scotland had no objections or adverse comments to make to the proposals.

The LSO had undertaken a full inspection of the premises and found it to be well run and compliant. She outlined the proposed changes, which she was supportive of. She understood alcohol service to be in the café area and away from the proposed activities.

Councillor McMillan had recently attended a concert at the garden centre and asked whether there would be a similar setup at the proposed events. Mr Bogdanov said that the garden centre would have to ensure a reasonable number of first aid-trained staff were available for assault courses, and further staff training was still to be undertaken. The next step in the plans would also involve building structures for the events. He said the changes were designed to attract the local community into the business. He said events would be similar in nature to the music festival, but work would be undertaken to make the surroundings more impressive and safer for participants.

Councillor Gilbert asked whether there were any problems with people taking alcohol from the café area to other parts of the garden centre. Mr Bogdanov said that staff strictly enforced the rule that alcohol must be consumed within the restaurant area, and there was no consumption in any other part of the garden centre. He said staff took this very seriously.

Councillor McGuire had found the garden centre an interesting and pleasant place to visit, with an excellent restaurant. He had been impressed by the Santa display, and he thought the changes to develop the garden centre's offer were positive. He wished the garden centre well and would support the application.

The Convener moved to a roll call vote, and Members unanimously voted to grant the major variation.

Councillor McMillan wished the garden centre well, and stressed the need to maintain good management, to restrict movement around the centre with alcohol, and to have well-trained staff. He complimented the garden centre on their customer care and knowledgeable staff.

### **Decision**

The Board granted the major variation of the premises licence.

#### **d. Fisherrow Tap (formerly Hole in the Wa'), 170 New Street, Fisherrow, Musselburgh**

The application sought to vary the premises licence to include indoor and outdoor sports. The application had attracted no objections from the police, NHS, public, planning, or community council.

Stephen McGowan, agent, was present to speak to the application, and was accompanied by Scott Nicoll and Gary Monkton of the Fisherrow Tap. Mr McGowan advised that the rebranded premises had opened the previous week. There were seven people employed at the premises, and they were trading under the terms of their current licence. He advised that Mr Nicoll and Mr Monkton were experienced operators and had other bars, as well as a brewery in Dalkeith. He described the application's purpose as being to modernise the premises, make it more family-friendly, and to introduce bar meals. He highlighted that there had been no adverse comments to the application from any consultees.

PC Wilson confirmed that Police Scotland had no objections or adverse comments to make regarding the application.

The LSO said she had spoken with the new owners on the phone and online. She had also visited the premises and said it had undergone huge renovations. She had discussed operations with Mr Nicoll, and she agreed that the addition of a kitchen was very positive. She was aware that work was underway with environmental health, and had been pleased to be kept up to date on progress. She had discussed the child access policy with the owners and was more than comfortable with the arrangement where there was a door into the lounge bar and a different door into the main bar. She had no objections to any of the changes applied for, and wished Mr Nicholl and Mr Monkton well with their new venture.

Mr McGowan added that Marion Muir had visited the premises and signed off on behalf of environmental health.

Responding to a question from Councillor McMillan, Mr Nicholl said that the clientele in Fisherrow was different to their more central Edinburgh bar. He said that some old regulars of the Hole in the Wa' had come in, but the new operators had laid down the law to them.

Councillor McMillan commented that the Hole in the Wa' had been a legendary pub. He hoped the new operators would comply with all regulations and the premises would flourish.

The Convener moved to a roll call vote, and Members unanimously voted to grant the major variation.

### **Decision**

The Board granted the major variation of the premises licence.

#### **c. The Victoria Inn & Avenue Restaurant, 9 Court Street, Haddington**

The application sought to vary the premises licence to include indoor and outdoor sports. The application had attracted no objections from the police, NHS, public, planning, or community council. The LSO had submitted a letter of representation and made recommendations relating to children's access to the pool table.

Craig Douglas, tenant, and Paul Hastie were present to speak to the application. Mr Douglas hoped that the addition of a pool table to the operating plan would provide the possibility of turning the upstairs of the premises into a sporting venue, giving local hockey and football clubs a hub upstairs and keeping diners downstairs, thus making operation of the business easier for staff. Mr Douglas said he had not realised that pool tables were not part of the gaming licence.

PC Wilson confirmed that Police Scotland had no objections or adverse comments to make.

The LSO advised that the application had been made following a meeting with Mr Hastie, where it was established that indoor or outdoor sports were not stated on the premises licence. She confirmed that this was not linked to any entitlement for gaming machines on the premises. She asked the Board to refer to the statement of licensing policy regarding the access of children around the pool table, supervision of children under 12, and management of risk around staffing.

Councillor Gilbert asked how staff intended to supervise the pool table. Mr Douglas said that there was a bar upstairs and there would be always one or two members of staff upstairs on duty with a view of the pool table.

Responding to a question from Councillor McGuire, Mr Douglas said that he still intended that food would be served upstairs. He said the upstairs area was huge, so those playing pool would not be in the way of other customers.

Councillor McMillan asked about any potential changes to atmosphere, the access of children from the Lodge Street entry, and whether a written risk assessment had been produced. Mr Douglas responded that changes were being made to the menu and the direction the restaurant was going in. He advised that the pool table could also be used as a table or to display a continental breakfast, and was generally only used as a pool table for daytime trade. He advised that the annual fire safety risk assessment was being undertaken the following week and he could ask for a risk assessment for the pool table to be produced at the same time. He said that children often came in as part of sports groups with their parents, and reassured Members that staff would supervise if the responsible adult briefly left for a cigarette or bathroom break. He said that staff had undertaken first aid training, and there were only two more staff members to put through personal licence holder training. He said staff did sometimes ask whether

children were over the age of 12, but they had found that children who were younger than 12 generally wanted to stand outside or go to the park nearby. He also confirmed that there was no longer a gaming machine upstairs.

The Members agreed to have a short adjournment to discuss the application in private.

Upon their return, Councillor McMillan advised that Members were prepared to grant the major variation, but the licence would not be issued until such time as a written assessment for use of the pool table had been seen and approved. The risk assessment would then be reviewed and inspected regularly. Members also wanted Mr Douglas and Mr Hastie to consider that children up to the age of 11 would be fully supervised by an adult in pool table area. They also wanted the applicants to consider always having two members of staff on duty upstairs.

Mr Douglas responded that he could not afford to always have two members of staff in the upstairs area; this would not be financially viable if, for example, only two families were using the area. Councillor McMillan said that Members felt that it would be useful to have two members of staff to support one another if anything went wrong. Mr Douglas advised that the area was covered by two CCTV cameras, and if parents were at the pool table, their children would be no more than 1.5m from them.

Councillors McMillan and Gilbert asked about the supervision of children at busy times and the licensing objectives relating to protecting children and public health. Mr Douglas responded that there would be one member of staff upstairs and another downstairs, and reiterated that it would not be financially viable to have two members of staff upstairs and one downstairs. He said that upholding the licensing objectives should not change under these proposals.

Councillor McMillan suggested that a risk assessment could be undertaken which detailed there being only one member of staff in the upstairs area, and the applicants could seek advice from the LSO and police. The Board would then review the finalised risk assessment.

Carlo Grilli, Clerk of the Board, suggested that the full approval could be delegated to the Clerk of the Board, subject to the comments of Police Scotland and the LSO. As there was an inclination to grant, provided there was a suitable risk assessment in place which covered the management of the upstairs area, he suggested that the risk assessment could be presented to Members outwith a Board meeting. He asked whether the Board would be prepared to reduce the suggested condition of two members of staff covering the upstairs area down to one member of staff, provided a suitable risk assessment was in place. Councillor McMillan said that a comprehensive risk analysis would have to be presented to ensure the area would be operated properly, and asked for the applicants' thoughts on this proposal.

Mr Hastie agreed that two members of staff supervising the upstairs area would make the space unviable. He added that Mr Douglas upheld the licensing objectives and managed the space well. He said that although they would propose there be one person upstairs and one person downstairs, there was also often another member of staff floating between the two areas, and the kitchen was also staffed. He said the pool table was not a full-time fixture but provided the area with more functionality, and it did not operate as a pool table when the area was in operation as a restaurant.

Councillor McMillan said that the Board wanted to be helpful, but had identified some risks. He agreed with the plan for the written risk assessment to be presented to the Board outside of a formal meeting.

Councillor McMillan formally proposed the two conditions relating to the written risk assessment for use of the pool table and that children under 11 would be supervised by an adult. Councillor Gilbert formally seconded these proposals.

Councillor McMillan moved to a roll call vote on the application. Board Members unanimously agreed to grant the application, subject to the conditions proposed by Councillor McMillan.

The Board then agreed that Mr Douglas would come back to the Board with the written risk assessment before formal approval was issued. This would be inspected by the Clerk of the Board, in consultation with the Board, LSO, and police. Approval for the major variation would only be issued upon receipt and approval of the written risk assessment. Board Members unanimously agreed to this course of action by roll call vote.

Responding to a question to from Mr Douglas, Mr Grilli confirmed that the written risk assessment could be emailed in and would not have to wait until the next Licensing Board meeting.

### **Decision**

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

- A written risk assessment, together with written policies in relation to how the pool table would operate, would be sent to the Board for review. The risk assessment could be inspected by the LSO and by Police Scotland on request and would be regularly reviewed by the applicants.
- Children under 11 to be supervised by a responsible adult while in the bar/restaurant area on the first floor.
- Approval of the major variation would not be issued until such time as the written risk assessment had been received and approved by the Clerk of the Board, in consultation with the Board, LSO, and Police Scotland.

#### **4. PROVISIONAL LICENCE Premier Store, 90 High Street, Haddington**

The application sought a provisional premises licence. The application had attracted no objections from the police, NHS, public, planning, or community council. Three public objections had been received on the basis of over provision and the potential for increased antisocial behaviour. The LSO had submitted representation noting issue with the submitted layout plan, providing a list of licensed premises within an 800m radius, and recommending a condition relating to deliveries of alcohol.

Alistair Macdonald, agent, was present, accompanied by his clients, Sheree and Zain Shah. Mr Macdonald highlighted the huge increase in population in Haddington and concomitant increase in demand for facilities. He said that the town centre would expect a concentration of commercial premises to service this growing community. He noted that the area had not been identified as an area of overprovision, despite objectors making reference to overprovision. His clients had made improvements to the shop and wished to add alcohol as a facility for their customers. Mr Macdonald said that the shop had been largely a newsagents; the community had been keen to keep the newsagent aspect of the business, although he noted that newspapers were not profitable. He said his clients wanted to make a real success of the business, having



signed a 20-year lease, and one of the ways to make the business viable would be to sell alcohol. He reported that there was demand for alcohol sales from their regular customers. He noted that the three objections were all from those in the trade, and highlighted that Police Scotland had no issue with the application. He reported that Mr and Mrs Shah no longer intended to change the shop layout imminently; this had delayed the application for Section 50 certification from building standards and was the reason they had applied for occasional licences. They would now proceed with Section 50 applications from building standards and food and hygiene.

Mr Macdonald continued by saying that Mr and Mrs Shah had not experienced the issues described in the objections, which he felt had not painted a positive picture of Haddington town centre. He said Mr and Mrs Shah had felt very welcomed since opening, and did not think this would change if they began selling alcohol. He said Mr and Mrs Shah would have to be strict and cautious in selling alcohol, and had taken on board the issues raised within the objections. He said his clients had spent money acquiring the lease and could not afford to make mistakes. Mr Macdonald referred to the list of premises provided by the LSO, and commented on various nearby premises which he described as either having a different offer to that proposed by his clients, or as serving residents living in other parts of Haddington. He reiterated his earlier points on the population growth in Haddington and increased demand for competition. He felt that any suggestion that his clients' store selling alcohol would add to issues in the town centre was only speculation.

Mr Shivakumar, representing Haddington Wines and Whiskies, accompanied by Shanthy Shivakumar, representing Day-Today, spoke against the application. Mr Shivakumar welcomed Mr and Mrs Shah to the High Street. He referred to the two stores' very full refusal registers. He said that staff were scared due to the high crime rate in this area; he had had to provide local accommodation to staff who had been assaulted previously, or who had been harassed when getting on the bus at night. He stated that his objection was not due to the potential for competition with his two stores, but due to the high crime rate in the area and regular need to refuse sales of alcohol to young people. He said that staff faced particular pressure during school holidays, and some had resigned from their roles due to pressure faced at bus stops after refusing to sell alcohol to young people. He reiterated that the objection had not been made due to concern over competition.

Responding to questions from Councillor McGuire, Mr Macdonald said that there would be a significant impact on the business should they be unable to sell alcohol. Mr and Mrs Shah would retain the newsagent element of the business, but as newspapers were not profitable, they had to consider other ways of making the business work. Mr Macdonald said the Shahs were a young family and the store was their only source of income, and being licensed to sell alcohol would make a huge difference to the viability of the business. There had been no issues with the store's clientele, and they had not witnessed issues outside the store. Mrs Shah was a personal licence holder and understood her responsibilities. He said that it was important to the family for the business to operate well, and they understood that they may be tested, and procedures would have to be robust when selling alcohol. He said that if there was any doubt as to whether the customer was underage, his clients and their staff would refuse the sale. He said his clients understood that theft of alcohol was a serious problem and CCTV would cover the alcohol display area, and Mr and Mrs Shah would build up a good relationship with the police and LSO.

Councillor McMillan thought that some of the issues raised by objectors had been addressed by the problem solving partnership, and said that recent reports from the area suggested that incidents were decreasing. He said that if there was evidence to the contrary, then further consideration could be given to community policing and wardens. He felt that another well-managed shop would add security and value to the

area. Mr Shivakumar responded that CCTV had been installed to cover the pavement outside his stores, although they had been asked to remove the CCTV cover. He reported that nothing had changed under the community partnership, and there was clear evidence in his refusal file. He also had a record of many fake IDs. He reported that staff had been held ransom for the night after taking a young person's fake ID. There was also a bulk purchase file kept. He reiterated that the issue was not about competition, and he said he was happy to work with anyone to resolve these issues.

PC Wilson confirmed that Police Scotland had no objection to make to the application.

The LSO questioned why the application was for a provisional premises licence and not a full premises licence when the decision had been made not to change the layout of the store. She said that a new layout plan had been submitted. She highlighted the corner section display of alcohol in chiller units, and said the second alcohol display area was inaccessible to the public. She highlighted her recommended condition regarding deliveries. She also asked the applicants to communicate with her on deliveries and how they were dealing with the online platforms.

Responding to a question from Councillor McMillan, PC Wilson reported that he had had few or zero issues with licenced premises on Haddington High Street in the two months since taking up his post. Councillor McMillan commented that other antisocial behaviour issues may have been raised, and there may have been issues with people bringing alcohol from elsewhere. He acknowledged some of the challenges presented by the bus passes available to all young people.

Mr Macdonald responded to some of the LSO's points. He confirmed that although a refurbishment had been investigated, this was no longer planned, but a Section 50 certificate from building standards could not be obtained while this had been underway. He said that the licence could be finalised quickly as the other two Section 50 certificates could now be obtained. He noted that the objectors had said that they had no issue with the premises having a licence to sell alcohol, so their objections were only about the general crime in the area; Mr Macdonald said there was no evidence that the Premier Store having a premises licence would increase crime. He said that having another premises with CCTV cover, undertaking due diligence, and with robust procedures in place would have a positive effect on the area. He said the two shops should work together to pass problems onto one another, and said Mr and Mrs Shah would be happy to work with Mr and Mrs Shivakumar. He said his clients wished to contribute to the solution and reduction of the issues in the area. He said Mr and Mrs Shah would be robust, diligent, and would not let the Board down. Mr Shivakumar added that after a call was made, it sometimes took several days for police to attend their stores.

Mr Macdonald reassured Members that the layout plan complied with legislation. The chiller display area could be seen from the counter. Responding to a question from Councillor Dugdale, he advised that the area behind the counter would have spirits and high value products, and areas B and C on the plan would display wines and beers.

Mr Shah said he was aware of issues with crime and reported that his other business had suffered break-ins. He described the set-up with the tills in store, which automatically asked for age verification and kept electronic records. He said that a great deal of care would be taken around age verification, and records would be available for anyone to review.

Responding to a question from Councillor McMillan, Mr Shah agreed that having a relationship with the previous leaseholder was helping them learn the trade, and the previous owner worked in the store from 6am-10am. Mr Shah said he would join his

wife by training to hold a personal licence, and the previous owner could also undertake personal licence holder training should he wish to work longer hours.

The Members agreed to take a short adjournment to discuss the application in private.

Upon their return, Councillor McMillan referred to the situation in Haddington town centre and behaviour on the streets, and acknowledged the concerns of the three objectors who were all keen community activists. He said it was important to have a thriving town centre and to promote East Lothian food and drink, and to have 20-minute neighbourhoods and a good community and economy. He felt that many of the points being raised were being addressed elsewhere, and community wardens were working to reduce antisocial behaviour. He acknowledged some of the challenges brought about by free bus travel for young people. He felt that the sale of alcohol was not the problem, but the behaviour of those who bought it. He encouraged the community to report any issues. He felt that if the shop was managed well, complied with licensing issues and was aware of risks of the past, and played an active part with neighbours, this would lead to a strengthened system in reporting issues. He encouraged the shop owners to work with Police Scotland. He was minded to grant the application, subject to the LSO's recommended condition. Councillor Gilbert agreed with Councillor McMillan's comments. He emphasised that the business would be under the spotlight, and it would be important that all guidance was adhered to.

Councillor McGuire said he wanted to see a thriving and bustling town centre in Haddington, but could see there were problems in the town centre. He felt Mr and Mrs Shah's business could work in partnership with Mr and Mrs Shivakumar's businesses to help make a safer environment in their corner of the High Street. He said the Board had a responsibility to work with them to create a better, safer, and thriving community.

Councillor McMillan said that Mr and Mrs Shah should take example from Mr and Mrs Shivakumar in all they had done in supporting the community. He was shocked to hear of the abuse suffered by Mr and Mrs Shivakumar and their employees, and would take this back to community policing and the bus forum.

Councillor McMillan formally proposed the LSO's recommended condition relating to deliveries of alcohol, and this was seconded by Councillor McGuire.

The Convener moved to a roll call vote and Members unanimously agreed to grant the provisional licence.

## **Decision**

The Board granted the provisional licence, subject to the following condition:

- Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119 and those of the Board's statement of licensing policy on deliveries of alcohol should be complied with.

## **5. OCCASIONAL LICENCES Premier Store, 90 High Street, Haddington**

The application sought occasional licences while the provisional premises licence was in place. The application had attracted no objections from the police or LSO.

It was acknowledged that these applications were made in similar terms to the provisional premises licence application at item 4. Mr Macdonald added that now his clients had decided that there would be no change to the layout of the store, applications could be made for the outstanding Section 50 certificates, and he did not expect that the business would have to operate under occasional licences for very long.

PC Wilson advised that Police Scotland had no objection to the applications.

The LSO encouraged that all members of staff be fully trained in the selling of alcohol; she could provide guidance regarding staff training and help to ensure that all procedures be in place. She would visit the premises in the following weeks.

Councillor McMillan said that the Board took working to the licensing objectives seriously. He encouraged the new owners to become part of the Haddington community and continue with their good record of customer service.

The Convener moved to a roll call vote and Members unanimously agreed to grant the occasional licences.

Mr Shah said he hoped the objectors would visit his store and that they could work together.

### **Decision**

The Board granted the occasional licences.

## **6. EAST Lothian LICENSING BOARD STATEMENT OF LICENSING POLICY (1 NOVEMBER 2023 TO 31 OCTOBER 2028)**

A report had been submitted by the Clerk of the Licensing Board to determine the Statement of Policy for East Lothian Licensing Board from November 2023 to November 2028, and to ask that the Board note the outcome of the consultation exercise and adopt the draft Statement of Licensing Policy as appended to the report.

Carlo Grilli, Clerk of the Board, presented the report. He advised that the current policy expired in November 2023 and there was a statutory requirement to put a new policy in place for the following five years. He said that in East Lothian's growing community, there was not currently evidence to bring forward a full overprovision statement, but said that overprovision could be dealt with on a case-by-case basis. He also thanked the Licensing Forum for their contributions.

Councillor McMillan thanked Mr Grilli for his work on the policy, and commented that the Board had been fully involved at all stages of consultation, comment, and review.

Councillor Cassini was impressed by the diligence with which the policy had been produced, and could find nothing in the policy to object to. Councillor McGuire congratulated officers for their work on the policy. Councillor Dugdale thanked officers and the Licensing Forum, and recommended that everyone read the policy to understand the work of the Licensing Board.

Councillor McMillan thanked Councillor Bruce for his work in leading the Board through the exercise, supported by fellow Members, the LSO and licensing team. He said the policy was essential reading for all working within the industry and reinforced the need

to meet the five licensing objectives, which were central to all work undertaken by the Board.

Councillor McMillan moved to a roll call vote and Members unanimously voted to note the outcome of the consultation and adopt the draft Statement of Licensing Policy for the period November 2023 to November 2028.

**Decision**

The Board noted the outcome of the consultation and adopted the draft Statement of Licensing Policy for the period November 2023 to November 2028.

Signed .....

Councillor J McMillan  
Convener of East Lothian Licensing Board