



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

**THURSDAY 25 APRIL 2024  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
& HYBRID MEETING FACILITY**

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**Board Members Present:**

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

**Clerk of the Licensing Board:**

Mr C Grilli

**Attending:**

Ms G Herkes, Licensing Officer  
Ms A Rafferty, Licensing Officer  
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration  
Ms K Harling, Licensing Standards Officer  
Mr R Thompson, Solicitor  
PC L Wilson, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL**  
**East Lothian Licensing Board, 28 March 2024**

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

**2. OCCASIONAL LICENCE APPLICATIONS**  
**Gregor Zielinski, Bellfield Brewery – Edinburgh Marathon Festival, Pinkie Playing Fields, Musselburgh**

The application sought an occasional licence to run a bar at the Edinburgh Marathon Festival (EMF).

Gregor Zielinski, Alistair Brown, and Sandra Scott were present to speak to the application. Mr Brown provided background information on the award-winning brewery. He advised that all beers were vegan and gluten free, and that a special low-alcohol beer called Cool Down Lager had been created for the EMF.

Karen Harling, Licensing Standards Officer, had made representation on the basis that the requested commencement time of 10am was outwith Board policy for on sales. She was happy with the applicant's alcohol and drug management plan and recommended that these be added as a condition.

PC Wilson advised that there were no police objections to the application, and representation had only been made to highlight the 10am commencement of on sales.

Responding to a question from Councillor Dugdale, Mr Brown confirmed that stewards would ensure that no alcohol was taken off the site.

The Convener asked what steps would be taken to ensure the licensing objectives would be fulfilled, particularly when Board policy stated that on sales should not begin until 11am. Mr Brown explained that the half marathon race began very early in the day, so the rationale was to spread the load in terms of the service of alcohol and throughput of race finishers. He advised of the team's and stewards' experience in running similar events, and he was confident that the alcohol and drug management plan would ensure compliance. Ms Scott added that a number of runners would have finished before the point of sale at 10.00am was reached. She said that it was important to the event and to transportation in Musselburgh that race finishers kept flowing through and did not have to wait around too long for a post-race drink. She advised that there had never been any instances of drunkenness, and that this timeline had been in place for 10-12 years. She confirmed that security marshals would ensure no alcohol left the grounds. She advised that people tended to have just one beer and there were low- and no-alcohol options available. She reassured the Board that a party or festival atmosphere was not encouraged.

Councillor McMillan commented that although the application was outwith Board policy hours, there was evidence of good management, and he was minded to grant the application.

The Convener commented that he could see the rationale in commencing sales at 10am to ensure throughput of race finishers at the busy event. He also commented on the importance of properly dealing with litter at the event.

***Sederunt:*** Councillor Gilbert joined the meeting.

The Convener proposed the LSO's recommended condition relating to the alcohol and drug management plan, and this was seconded by Councillor McMillan.

The Convener then moved to a roll call vote and Members unanimously voted to grant the occasional licence, subject to the LSO's recommended condition. Councillor Gilbert confirmed that he would not vote on the application as he had joined the meeting part way through the discussion.

## **Decision**

The Board granted the occasional licence, subject to the following:

- The Alcohol and Drug Management Plan and Event Plan submitted prior to the event to be adhered to for the duration of the event.

### **b. Catherine McMeeken – East Linton Gala Day**

The application sought an occasional licence for the East Linton Gala Day and had been brought before the Board on the basis of representation by the LSO.

Catherine McMeeken spoke to the application. She explained that the application sought to sell alcohol from a marquee in a roped-off area from 1pm-5pm at the East Linton Gala Day. She advised that the bar manager ran various bars in Edinburgh, had a personal licence, and would comply with the signage requirements. She understood there to have been a recent Board policy relating to the prohibition of alcohol sales in areas where children would be present, and that applicants would be asked to justify why alcohol would be sold when children would be present in the area. She said she had been unable to identify the reasons behind this policy decision, other than a suggestion through a report from the Children's Parliament that seeing adults and parents consume alcohol was detrimental to children's mental health; she felt it was important for transparency purposes that applicants be able to understand the reasons behind the policy decision before being expected to justify their application. She pointed out that an occasional licence had just been granted to operate a bar at the EMF, where many families would be present and wished to understand why these exceptions were made. She felt that the Board policy did not align with the Scottish Government policy on alcohol, or with Public Health Scotland's policy, which she described as being about moderation to move Scotland to a position akin to most mainland European countries where alcohol was served at, but not the main focus, of events where it could be consumed with families in attendance.

Continuing, Ms McMeeken presented justification for the East Linton Gala Day's application. She pointed out that the proposed area fell outwith the alcohol prohibition area, so people would be allowed to drink alcohol in public and in plain sight of children throughout the day. As it was therefore likely that alcohol would be consumed in the park on gala day, Ms McMeeken said that the question should only ask under what conditions alcohol should be consumed. She said that provision of a marquee meant that alcohol could be consumed under controlled circumstances within a clearly demarcated area where children would not be able to enter. She said that in previous years, there had been social pressure for people to purchase alcohol from the community space, where the proceeds would go to the community. She reiterated that drinking alcohol on the day would occur, so the question was under what conditions the Board would wish this to happen.

The LSO advised that the East Lothian Gala Committee had applied for the occasional licence as a voluntary organisation to run a bar. She highlighted that the application described the event as a gala day with events, such as a barbeque, craft stalls, craft workshops, fairground rides, and inflatables. She understood that talks and workshops would be held in a different area in the community hall, and that the proposed licensed

area would be 25m from the children's playpark. She highlighted Section 22.14 of Board policy, which stated that events which were predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted, and therefore applicants would be required to justify their application. She highlighted the suggested conditions in her report.

PC Wilson said that representation had been made to direct the Board to Policy 22.14. We was in support of the LSO's recommended conditions should the Board see fit to grant the licence.

Responding to a question from Councillor Cassini about training, Ms McMeeken advised that in addition to the bar manager, who held a personal licence, two volunteers had also agreed undertake two hours of training. She noted that there was no prohibition on alcohol consumption in the park, so it would not be possible to stop people from drinking. She advised that stewards would be present to look out for anyone drinking who appeared to be underage, and said everyone knew one other in the community. She noted that proceeds from the bar were one of the main sources of income from the day, which was of even greater importance this year when no community funding had been received. She described the atmosphere as always having been laidback with a clientele of mostly adults in their mid-to-late forties and older. She said there had never been a public nuisance at the event.

Responding to further questions from Councillors Gilbert and Dugdale, Ms McMeeken advised that a Challenge 25 policy would be in operation, and entry would not be permitted if someone could not present identification. She said no alcohol could be brought in or removed from the proposed licensed area. She described the offering of craft beers and prosecco, including low- and no-alcohol drinks, and said that it was not expected that parents of children would be drinking in the tent through the day. She described the event as being for the community, and said that East Linton had had an influx of individuals and family units who did not have children; although there would be events for children through the gala week, she explained that a concerted effort had been made to provide events and entertainment focused on adults. She said attendees would be predominantly adults, and while children were expected to attend, the gala would be distinct from those run previously. Adults from across East Lothian were expected to attend to take part in the craft events, and there would be artisan food and drink on offer at the stalls.

Responding to questions from the Convener, Ms McMeeken advised that the marquee had been placed near the children's play area for access to utilities. She said the play area was not used a lot on the day, and many of the events for children would be on the other side of the park from the marquee. She explained that the tea tent had historically been where older people sat at the gala day, and the market stalls would be aimed at adults. She advised that the alcohol refreshment tent would not face into the children's area or the wider park. She felt that the risk of anyone leaving their children unattended to have a drink in the tent was very low, and if anyone were to do so, it would indicate that there were wider challenges with that person. She advised that this had never happened in her experience of the gala day. She also highlighted the missing person policy.

The Convener asked the LSO about her experience of the Aberlady Gala Day, which had been granted a licence previously because alcohol bylaws had allowed for alcohol consumption on the day of the gala. The LSO reported that she had observed attendees bringing as much alcohol as they seemed to be able to carry, and once this was finished, they purchased alcohol from the bar; most people who were drinking alcohol on the day took both options. She advised that other gala days across East Lothian who had similar exemptions, such as Wallyford, set up designated drinking areas in the park away from the events and did not apply for a licence for additional

sales; this was supported by stewards and managed as part of their public entertainment licence in place for the day. She said she had been unable to ascertain whether parents had left children to consume alcohol at the Aberlady Gala Day because it was common for children to be playing together in an area away from their parents.

Councillor McMillan welcomed the Gala Committee's efforts in fundraising and continuing traditions. He assured Ms McMeeken that wide consultation had been undertaken in producing the most recent Board policy. He noted the previous profit of £1000 and asked how many people had visited the bar in the hours of operation. Ms McMeeken was not able to provide a number of visitors, but advised that the profit should be seen in the context of local bars having provided the Gala Committee with free alcohol to sell on the day.

Responding to a further question from Councillor McMillan, Ms McMeeken said that a market stall would sell specialist gin but tasters of alcohol would not be allowed. The Convener noted that off sales were not part of the licence application, so no stalls would be allowed to sell alcohol. The application being discussed only included the roped-off area and not the rest of the field. The LSO agreed that no applications for off sales had been made by any providers, and a market operator licence was not in place in relation to this.

Councillor McGuire thought that the day would be a children's and family event by definition. He asked Ms McMeeken what would convince the Board to go against policy for the East Linton Gala Day when compared to other gala days. Ms McMeeken said that there was evidence that people would be drinking at the event regardless of the decision of the Board, and felt that the Board should not take a blanket approach to such events. She said that the East Linton Gala Day had never had a situation with antisocial behaviour. She noted that the area was an affluent area, and said people would drink at the marquee and would not buy alcohol from the shops just because the drinks were cheaper there. She said that the gala was a community event and the Board had granted licences where children would be in attendance; she suggested that large events which would bring money to the area may be more likely to attract a licence. She was pleased to hear that there had been a high standard of public policy making, but said she had been unable to access how this decision had been made.

The Convener called for an adjournment to allow Members to discuss the application in private.

Upon their return, the Convener made a statement on behalf of the Board. He stated that all sections of the Board's Statement of Licensing Policy had been through consultation, including with Police Scotland, the NHS, the public, and children and young people. He reported that young people had expressed concern about the availability of alcohol around them, and said that protecting children and young people from harm was one of the most important of the five licensing objectives. He said that Section 22.14 was clear and sought justification. He said the main justification given had been around fundraising, and Members did not feel this was a good enough reason to go against Board policy. He said that while not all events were for children, the majority of events in Memorial Park were for children. He addressed Ms McMeeken's comparison with the EMF, and highlighted that the EMF event was not for children but for the runners.

The Convener moved to a roll call vote, and Members unanimously voted to refuse the application.

Ms McMeeken asked how the decision could be appealed, and Carlo Grilli, Clerk of the Board, advised that an appeal could be made to the Edinburgh Sheriff Court.

## Decision

The Board refused the occasional licence.

### **3. PROVISIONAL LICENCE APPLICATION One Stop, 58 High Street, Tranent**

The application sought a provisional premises licence for a One Stop convenience store.

Niall Hassard, agent, was present to speak to the application, along with his clients Narmeen Sarwar and Yasmine Mohammed, and Jim Carroll, One Stop Director. Mr Hassard addressed the public objections, which he said dealt with competition and trade and did not address any of the licensing objectives. He advised that Ms Mohammed and her family had run convenience stores since 1988 and had worked with One Stop for a decade. They had looked to open sites in areas of population growth to bring their family into the business. He said his clients had invested heavily to bring the store to a modern standard and to provide a full range of grocery products, a free-to-use ATM, hot food, etc. He advised that five members of staff would be employed and alcohol would be a part, but not a mainstay, of the store's offer. He advised that the partnership with One Stop brought a high level of brand specification, with online resources made available to retailers. There would also be CCTV in place and an EPOS till system which would automatically restrict sales to licensed hours and record refusals. He advised that the One Stop training package was underpinned by an ongoing audit process for signage and testing of the Challenge 25 policy, so there was a high level of ongoing diligence. He submitted that the standards were market leading, and the application represented a compelling offer and significant investment in the local area, with support of a national retailer in the background and local operator running the store. He highlighted that there were no adverse comments in the LSO's report, and no adverse comments from any consultee other than the public objections.

The LSO confirmed that the application was compliant with the Licensing (Scotland) Act 2005 ('the Act'). She thought the business represented the first One Stop in East Lothian, and she welcomed the high standards described in the presentation. She advised of six other premises offering off sales within an 800m radius, and outlined her recommended condition in relation to deliveries of alcohol.

PC Wilson advised that there were no police objections to the application. He was pleased to hear about the precautions and prevention measures taken, including the CCTV systems.

Manish Kumar spoke against the application. He said his shop was struggling for business and had to pay staff wages when there was already competition for sales. He said that most shops nearby were licensed. He was worried about the future of his shop and being able to continue paying staff should another licence application be granted.

Responding to a question from the Convener, Mr Hassard advised that there were no immediate plans to offer home deliveries, but said his client was happy to agree to the conditions in case there ever were to be home deliveries. He reported that his clients had established home deliveries in their other store using Snappy Shopper.

Responding to further questions from Members, Mr Hassard advised that a detailed shop fit discussion had already taken place and it was aimed for works to commence quickly, so there was little room for changes to the design, but the applicant would

come forward with a major variation application if there had to be changes to the layout plan. He also confirmed that CCTV covered the approach to the store and outwith the premises.

The Convener understood the impact of competition and that local businesses were struggling, but said that competition was not reason for the Board to refuse a licence. He formally proposed the LSO's recommended condition relating to deliveries, and wished the business well.

Councillor McMillan added his support to the application and hoped that local produce would be on offer in store.

Councillor Cassini was concerned about the excessive number of alcohol outlets in a small area, and was not minded to grant the application on this basis.

Councillor Dugdale formally seconded the LSO's recommended condition.

The Convener then moved to a roll call vote on the application with the LSO's recommended condition. Votes were cast as follows:

Grant:	5	(Councillors Bruce, Dugdale, Gilbert, McGuire, and McMillan)
Refuse:	1	(Councillor Cassini)
Abstain:	0	

## **Decision**

The Board agreed to grant 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.

## **4. MAJOR VARIATION OF PREMISES LICENCE Little Superstore, 2 Park Road, Ormiston**

The application sought a major variation of the premises licence to extend the hours of trading to 10am-10pm Monday to Sunday.

Zaffar Iqbal, premises manager (DPM), spoke to the application. He explained the requested extension to hours as being to provide the community with a fuller service. He also advised that customers had commented positively on a new fridge for alcohol display.

The LSO said that when she had visited, the site notice had stated that alcohol was served 10am-10pm seven days a week. She had noticed that the staff training record had been old and the premises licence was not displayed, so had asked for these to be refreshed and rectified respectively. She advised that the application for a change in on sales hours was somewhat retrospective, as sales had been occurring prior to the change having been made. She noted that the new fridge may require a major or minor variation application depending on whether this incurred a change in display capacity or location.

PC Wilson advised that there was no police objection to the application, but noted that the LSO had brought to the Board's attention that the store appeared to have been selling outwith their licensed hours. He said that police did not have concerns about the store, so assumed this was a clerical error that had to be rectified.

The Convener asked whether the new fridge involved any change to alcohol display, and Mr Iqbal stated that the change was only to how the alcohol was being stored and not to capacity.

The Convener was also concerned about the store selling alcohol outwith licensed hours, and asked how Mr Iqbal had not known what was on the licence. Mr Iqbal advised that he had been running stores in Edinburgh which traded from 10am to 10pm, and he had not checked the licence when he had taken over the store. He noted that the additional hours would serve the new houses in the community.

Councillor McMillan felt it was important for applicants to be aware of policy and update accordingly. He accepted Mr Iqbal's explanation in this case, but asserted that policy must be followed. The Convener echoed these comments, and said that it was important to adhere to what was on the licence; he understood that mistakes happened, but said they must not happen again.

The Convener then moved to a roll call vote and Members unanimously voted to grant the major variation of the premises licence.

### **Decision**

The Board granted the major variation.

#### **b. Tower Inn, 131 Church Street, Tranent**

The application sought a major variation of the premises licence to extend the layout plan to include an outdoor drinking area. There had been a number of public objections, and the LSO had submitted representation with recommended conditions.

Alistair Macdonald, agent, was in attendance, along with Dominic McNeill, premises owner (pending transfer). Mr Macdonald explained that Mr McNeill and his business partner had kept the bar open to positive response from locals. In March 2022, a request for inclusion of a small outside drinking area at the top of the steps had been made, and no amendments were requested to the three conditions raised at that time. He advised that Mr McNeill was happy to accept the LSO's suggested conditions to this application. He explained that the outdoor area requested in this application was immediately adjacent to the bar and had been leased by Mr McNeill. Following meetings with the LSO, it had been established that the main entrance would be through the bar, apart from anyone with accessibility issues who could enter through the gate at the road. He informed Members that the planning application was still pending; it was due to be dealt with in June, and the outdoor area would not be used until planning permission had been granted. He addressed the public objections, one of which was from a neighbour with whom they had a good relationship. Mr Macdonald explained that Mr McNeill had offered his contact details when he took over the bar, and had introduced his manager and passed on her contact details when he had taken a leave of absence. He hoped that the LSO would agree that Mr McNeill had been receptive to advice and guidance, which had been implemented since their meeting, and said Mr McNeill would continue to work with the LSO and police.

The LSO reported that the site notice and signage had been correctly displayed, and had found the premises to be compliant with the Act. She had met with Mr McNeill and PC Wilson following complaints of fighting and intoxicated patrons; she reported that Mr McNeill had taken on board all suggestions and often called if he had questions. She advised that no complaints had been made about the operation of the small outdoor area at the top of the stairs, and any complaints had been about patrons who



had left the premises and were on the street. She noted that Conditions 2-4 per her report were already on the licence, and highlighted suggested Condition 1.

PC Wilson had no adverse comment to make about the application. When he had visited the premises and discussed the potential for an outdoor area, he had found Mr McNeill to be conscientious and receptive to comments. He noted that one of the public objections had been about fighting; he advised of four calls made to police relating to disturbances since 2020, which he judged to be quite a low number for a licensed premises.

Responding to questions from Councillors Dugdale, Bruce, and McMillan, Mr McNeill advised that the gate would be used only for emergency access or disabled access, but staff would have to open it to allow anyone through. He had considered fitting an alarm on the gate. The road was busy, but he hoped that the new speed limit sign might help. He advised that the fence could be seen through, and advised that the gate opened inwards so it would not be possible to run through and onto the road. He advised that staff would have an awareness of what was going on and would regularly be in the outdoor area to serve customers.

Councillors McMillan and Dugdale asked questions about noise disturbance to neighbours. Mr McNeill advised that he had worked with neighbours as he was keen that they would not be disturbed by the premises. He advised that last orders were called earlier when the bar was busy, which gave patrons longer to leave. Staff also swept outside the premises constantly from 10pm on Friday and Saturday, and reminded patrons about the bar's neighbours. He would consider relocating the bench and said that staff directed people to the smoking shelter. He pointed out that Church Street was a main road and not a quiet street, but staff still did all they could to control noise for the sake of neighbours. He also advised that another door was now present between the bar and main lounge to stop noise leakage.

The Convener thought that it was a thoughtful application and he had appreciated the answers to Members' questions. He was happy to grant the application. He formally proposed the LSO's recommended conditions, subject to an amendment to Condition 1 to make arrangements for patrons with accessibility issues. The LSO suggested an amended wording to the condition and Councillor McMillan formally seconded this proposal.

Councillors Dugdale and McGuire had been pleased to hear of the engagement with neighbours, and thought helpful clarification had been provided. Councillor McGuire commended the applicant on having saved a Tranent institution, and was also minded to grant the application.

The Convener moved to a roll call vote and Members unanimously supported the application, subject to the LSO's recommended conditions with an amendment to Condition 1, as proposed by the Convener.

## **Decision**

The Board granted the major variation subject to the following conditions:

- The outside area must be clearly delineated, and entry only permitted to patrons by coming through the main premises, with the exception of disabled access permitted by staff.
- No public entertainment, amplified vocals, or live music to be played in the outdoor area to ensure the use does not cause nuisance to neighbouring residential properties.

- The use of outdoor areas to cease by 8pm.
- The external area is to be covered by an effective and properly maintained CCTV system.

**5. FULL PREMISES LICENCE  
Dunglass Pavilion, Dunglass, Cockburnspath**

The application sought a premises licence with terminal hours of 11pm Monday to Tuesday and of 12-midnight Wednesday to Sunday. There had been no objections from statutory consultees. The LSO had submitted representation, including a recommended condition.

Alistair Macdonald, agent, was present to speak to the application, and was accompanied by venue representatives Simon Usher and Marie Wirtz. Mr Macdonald provided background information on the venue, and highlighted its good relationships with the community. He advised that the new pavilion had better noise insulation than the previous building and sat a couple of hundred yards away from the previous building. He advised that the accommodation could take the couple and 26 guests. He apologised on behalf of the venue for the time taken to put together the application. He reported that the LSO had met with venue representatives and had outlined some concerns, such as Mr Usher being the only person with a personal licence at the time of submitting the application; it had been agreed that other staff would become personal licence holders, which had now increased to four, and he noted that catering companies working from the venue always had at least one personal licence holder. He advised that there had been no incidents since the venue had begun trading, and noted that the police had no objection to the application. He noted that all of the nearest buildings were related to the venue, and reported that there had been no noise complaints. He advised that most employees at the weddings would be from nearby towns, and said there was overwhelming support from the community for the venue. Two weddings, one on Wednesday and one on Saturday, were put on each week, and this had been the model since 2012. This model gave time for guests to stay and for the venue to be reset for the next wedding. He said that the terminal hour beyond board policy on a Wednesday did not cause any problems at all, and there was no indication that any licensing objectives were infringed. The venue were keen not to have to move to a two-tier wedding offer where a Wednesday wedding would be inferior to a Saturday wedding. He said that it would be embarrassing should the venue have inform couples to say that they could not facilitate a Wednesday wedding until midnight.

The LSO had been happy with operations when she had visited. She said there had been a lot of communication about the application. She had discussed staff training and the fact that Mr Usher was perhaps not the most appropriate person to be the DPM, so a minor variation would be submitted to identify Ian Paterson as the new DPM. Having a number of personal licence holders on the staff gave her confidence that the venue would be well run, and highlighted the need to liaise with caterers regarding staff training. She confirmed that the application was compliant with the Act and noted the terminal hour on Wednesday being later than Board policy. If the application was granted, she would carry out inspections to ensure everything that had been discussed had been implemented.

PC Wilson had discussed the application with the LSO and confirmed that there were no police objections. He confirmed that no incidents had been raised since the venue had been trading and there was nothing on record to report.

The Convener asked about transport to and from the venue, and Ms Wirst advised that the venue provided a good deal of business to bespoke taxi companies who were aware that there would be weddings on Wednesdays. Couples were informed that this must be organised in good time, and it was also common for a coach to transport most of the guests.

There was a lengthy discussion as to the need for an additional hour beyond Board policy to 12-midnight on a Wednesday. The LSO advised that it would not be possible for the event to continue until midnight without service of alcohol after 11pm. Mr Usher said that couples had felt let down previously when the Board had refused to allow occasional licences to go beyond 11pm for Wednesday weddings. Mr Macdonald pointed out that the venue was competing for business against other venues in Scotland and the rest of the UK, and they did not want a Wednesday wedding to look like a poorer offering. Mr Usher added that it was industry standard for weddings to finish at midnight.

The Convener commented that occasional licences were not a good vehicle for applications sought on a regular basis as they provided a lower level of protection and control of the event. He felt that the representatives had clearly outlined how a midnight finish could be achieved without breaking any of the five licensing objectives, and he was minded to grant the application.

Councillor McMillan was reassured by the professionalism of the representatives, the thoughtfulness with which they had presented their business argument, and arguments based on the location and support of community councils. He was minded to grant the application on the basis of this good organisation and thoughtful management.

Councillor Gilbert suggested implementing a trial period of 12 months, and asked about implementing a condition that allowed the additional hour beyond Board policy to be permissible only for weddings. Mr Grilli advised that if a licence was granted, the Board had powers to review the licence should there be concerns. He also suggested that there may be some difficulty in defining a wedding celebration since only part of the day was taken up by a wedding ceremony.

Councillor McGuire commented that the establishment was well run and had already operated weddings until 12-midnight on a Wednesday for some time. Councillor Gilbert withdrew his proposal for a trial period of the 12-midnight terminal hour on a Wednesday.

Responding to Member questions, Mr Macdonald and Ms Wirst reassured Members that the additional hour beyond Board policy on a Wednesday would be used only for weddings. Ms Wirst advised that the business was trying to diversify and to move into the corporate sector, which would be to run daytime events. The additional hour beyond Board policy on a Wednesday would be required only for weddings.

Councillor Dugdale was minded to grant the application, including the additional hour until 12-midnight on Wednesday. She did not feel there was any need to limit this part of the application when all questions had been answered well. Councillor McMillan was also minded to grant the application, and thanked environmental health officers for their work on all such applications. After hearing Mr Grilli's suggested wording for the condition relating to the terminal hour on Wednesday being extended to 12-midnight only in the case of wedding events, Councillor McMillan formally seconded Councillor Gilbert's proposal.

The Convener then moved to a roll call vote and Members unanimously voted to grant the premises licence, subject to the condition proposed by Councillor Gilbert.

## Decision

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

- The terminal hour shall be extended to Wednesday at 12-midnight only in the case of wedding events.

### **6a. VARIATION TO PROVISIONAL LICENCE Broxmouth Courtyard, Broxmouth Park, Dunbar**

The application sought a variation to the wedding venue's provisional licence for Monday to Wednesday weddings with a terminal hour of 12-midnight. There were no objections from statutory consultees. The LSO had submitted representation, including recommended conditions.

Caroline Mitchell, agent, and Paul Mitchell, DPM, were present to speak to the application. Ms Loudon advised that there was a provisional premises licence in place, but this application sought to vary the terms of the provisional licence. A set of occasional licence applications had also been submitted in the same terms as this premises licence application. She described Dunglass Pavilion as a dream wedding venue and referred to information from the venue's website. She provided statistics as to the increase in weekday weddings and why couples were now opting for these. She referred to submitted photographs of the venue to show the location of the nearest properties. The venue owner, Simon Flame, lived in the house closest to the wedding venue. She advised that the venue employed 30 staff, and there would be 12 staff on duty on a wedding day. The team had six personal licence holders and eight bar staff, and everyone was trained to the same standard. She advised of problems caused when the venue had had to convey a change to an 11pm terminal hour for weekday weddings following applications until 12 midnight being amended to 11pm by the Board. She advised that weddings took place on Mondays, Wednesdays, and Saturdays, and people generally had their ceremonies on site. She said that an 11pm cutoff could be restrictive if some parts of a wedding ran on somewhat. As all aspects of weddings were handled onsite, everything could be controlled by the venue. She advised that the venue had not sought to licence the cottages onsite. She advised Members that Mr and Mrs Flame were onsite 24hrs a day, and there were no other dwellings around the venue location. She said a cutoff of 11pm stopped people from continuing dancing and celebrations. She noted that the nearest place to the venue was a camping and caravan site 30 minutes away, and said that no complaints or issues with noise had ever been raised. She added that the three short-term let cottages could only click and collect supper and drinks from the estate.

The LSO advised that she had visited the estate in relation to the high volume of occasional licence applications. She reported that everything had been compliant to a higher standard than was expected for an occasional licence, and confirmed that this application sought to change the terminal hour. She welcomed the expansion to the activities on the operating plan. She had recommended a condition relating to the delivery of alcohol and understood that staff were already trained in carrying out deliveries.

PC Wilson advised that there had been no issues experienced with the venue. He advised that 74 occasional licences had been applied for in the previous year, and 43 so far this year.

The Convener asked about travel arrangements in the evening, and about progress with the full premises licence. Mr Mitchell said that the venue had good relationships with taxi companies in Dunbar, and notified couples of the requirement to book in good

time. Couples also often laid on coaches. Ms Loudon advised that the venue was close to completion with building control, following an amendment to a building warrant. She made a personal undertaking to work to resolve this.

Responding to a question from Councillor Cassini, Ms Loudon asserted that other events mentioned in the operating plan, such as charity events, tastings, and other celebrations, would not run beyond Board policy terminal hour, and they would be content for a condition to require that the extension beyond Board policy would only be allowed for wedding celebrations. This condition was proposed by Councillor Gilbert and seconded by the Convener.

The Convener welcomed the variation to the provisional licence, and would support the applications at Items 6a and 6b. He welcomed the venue's efforts to cease working from occasional licences. He formally proposed the LSO's recommended condition relating to deliveries, and this was seconded by Councillor Cassini.

The Convener then moved to a roll call vote and Members unanimously voted to grant the premises licence, subject to conditions proposed by Councillor Gilbert and the Convener.

### **Decision**

The Board granted the premises licence, subject to the following conditions:

- 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.
- The terminal hour shall be extended on Monday-Wednesday to 12-midnight only in the case of wedding events.

### **6b. OCCASIONAL LICENCES Dunglass Pavilion, Dunglass, Cockburnspath**

The applications were made in the same terms as had been discussed at Item 6a, and therefore the Convener moved directly to a roll call vote. Members unanimously voted to grant the occasional licences.

### **Decision**

The Board granted the occasional licences.

### **7. PREMISES LICENCE TO CEASE TO HAVE EFFECT – SECTION 28 Beer Zoo, 35 High Street, Dunbar**

The Clerk of the Board informed Members that it had come to the attention of the Board that Beer Zoo had gone into insolvency and had not provided a Section 28(2) notification to transfer the licence. He asked the Board to note this and that the premises licence had ceased under Section 28(5)(d).

The Convener thanked the directors of Beer Zoo for informing the Board of the matter.

### **Decision**

The Board noted the LSO's report and confirmed that premises licence no. EL0369 ceased to have effect.

Signed .....

Councillor L Bruce  
Convener of East Lothian Licensing Board