



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

**THURSDAY 23 MAY 2024
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Board Members Present:

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

Clerk of the Licensing Board:

Mr C Grilli

Attending:

Ms G Herkes, Licensing Officer
Ms C Aitken, Licensing Officer
Ms K Harling, Licensing Standards Officer
PC L Wilson, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor L Bruce

Declarations of Interest:

None

**1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 25 April 2024**

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

**2. PROVISIONAL PREMISES LICENCE
Tesco Express, Unit 1, Futures Way, Wallyford**

The application sought a provisional premises licence for a new store. There were no objections from the public or from statutory consultees.

Audrey Ferrie spoke to the application. She was accompanied by Hardish Purewal, Licensing Manager for Tesco, who also chaired the Retail Alcohol Standards Group and was a board member for Community Alcohol Partnerships. Ms Ferrie provided background information about the new store, which was a bespoke retail unit within a significant area of development of new homes. She provided a description of the alcohol display area, and advised that the staff would comprise of at least three personal licence holders. The store would be open from 6am-11pm, with statutory licensed hours, and the target opening date was 2026. She listed the various accessibility features. She also gave an account of Tesco's stringent licensing training for staff, which included twice-yearly refreshers as well as practical training, such as dealing with difficult customers. She advised that alcohol could not be sold without responding to a date of birth prompt, and managers could also add messages to checkouts. She gave an account of Tesco's community work in East Lothian, and said they had shown themselves to be effective and responsible managers of premises with adoption and sharing of best practice. Addressing the issue of overprovision, she said that applications were to be expected in one of Scotland's fastest growing areas, and that the two convenience stores within 800m could not offer the range of goods provided by Tesco.

Karen Harling, Licensing Standards Officer (LSO), agreed that the other convenience stores in the area were small in nature and did not offer the same range as Tesco. She highlighted her standard condition relating to deliveries. She would make an inspection should the premises be successful in gaining a licence.

PC Wilson, representing Police Scotland, said there were no police objections and was in support of the LSO's recommended condition.

Councillor McMillan asked Ms Purewal about management and controls in similar establishments which were in close proximity high schools. Ms Ferrie responded on behalf of Ms Purewal, and confirmed that Tesco were aware that the store was close to the secondary learning campus and primary school. She advised that the alcohol display location was informed by other stores, and was far from the entrance but within view of staff at the checkouts. She explained that experienced managers were chosen, restrictions could be placed upon the number of school pupils coming in, and additional staff could be in place at peak times.

Councillors McMillan and McGuire were both minded to grant the application based on the comprehensive statement provided by Ms Ferrie. Councillors McMillan and McGuire formally proposed and seconded the LSO's recommended condition, respectively.

Councillor McMillan then moved to a roll call vote and Members unanimously voted to grant the provisional premises licence, subject to the LSO's recommended condition.

Decision

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

- 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.

b. Lido Musselburgh, 168-170 High Street, Musselburgh

The application sought a provisional premises licence for a new restaurant and café. There were no objections from the public or from statutory consultees.

Brian Dunlop, agent, spoke to the application. He advised that Buzzworks had 21 premises, mainly in Ayrshire, and had been recognised in the top 25 best companies to work for in Scotland. The new café and restaurant would be situated in Musselburgh town centre and would serve meals all day. He referred to photographs of the Lido premises in Troon, which were similar to the proposed restaurant layout. He advised that there would be positions for 25 full-time and 25 part-time staff, and there would be three personal licence holders on duty. He highlighted that there had been no objections or adverse comments to the application. He confirmed that the LSO's proposed conditions were largely acceptable, except for the proposed terminal hour for the external area of 8pm. He noted that the premises would be in the middle of the town centre, and other licensing boards had agreed to a terminal hour of 10pm for similar external areas. He highlighted that the external area was part of the building with an open frontage to the street, and said staff would monitor the tables to ensure there was no external disturbance. He highlighted that the company had never been called to a premises licence review in its many years of operation.

The LSO advised that there were no similar premises close to the site, apart from the Caprice restaurant across the road. She highlighted her recommended conditions, and had suggested an 8pm terminal hour for the external area to be in line with other premises. She advised that the Board could consider Mr Dunlop's suggestion of a 10pm terminal hour in line with the Board's statement of licensing policy. She agreed that the external area was contained within the curtilage of the main building, and highlighted the photos of the similar premises in Troon. She advised that she had no adverse comment to make on the application.

PC Wilson advised that there were no police objections to the application. He agreed with the LSO's recommended conditions relating to the external area, largely due to the proximity of the main bus stops in Musselburgh; these attracted antisocial behaviour and could lead to patrons having issues with people on the street.

Councillor Gilbert asked about other premises with outdoor areas, and the LSO advised that The Willow and The Sportsman both had an 8pm terminal hour for their outdoor areas. Councillor McGuire felt the application should also adhere to this precedent.

Councillor McMillan also supported the LSO's comments around an 8pm terminal hour for the outdoor area. He also noted that there would be opportunity for the applicants to apply for a later terminal hour once the premises had been established. He was minded to grant the licence per the LSO's recommended conditions.

Following the LSO's recommended conditions being proposed by Councillor McMillan and seconded by Councillor McGuire, Councillor McMillan moved to a roll call vote on the application, including these conditions. The application was unanimously supported by Members.

Decision

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

- The outside area must be clearly delineated by means of barriers.
- The outside area must only be used by persons occupying the seats provided by the premises.
- The outside area must be capable of being monitored by staff either physically or via an efficient and functioning CCTV system.
- Alcohol supplied to the outside area should be by table service only by a trained staff member.
- No public entertainment, amplified music, amplified vocals, or live music played in the outdoor area to ensure the use does not cause nuisance to neighbouring residential properties.
- The use of the outdoor area will cease by 8.00pm.

3. MAJOR VARIATION OF PREMISES LICENCE

a. Morrisons Daily, 160 High Street, Musselburgh

The application sought a major variation to include deliveries of alcohol. There were no objections from the public or statutory consultees.

Alex Green, agent, spoke to the application, and was accompanied by George Zormelo, Morrisons' National Licensing Manager. He advised that Morrisons was an experienced operator with 1200 convenience stores, supermarkets, and superstores. He advised that Morrisons had taken over the McColl's store, and now wanted to add home deliveries, usually through services such as Just Eat and Uber Eats.

The LSO had conducted a visit to the premises and had highlighted some slight issues, which had since been remedied. She said that staff had not had much confidence in the drivers undertaking the deliveries, and felt more reassurance may be needed. She highlighted her recommended condition.

PC Wilson confirmed there were no police objections or comments to the application.

Councillor McMillan asked how it was possible to ensure delivery conditions were being complied with. The LSO advised that drivers were required to carry out Challenge 25 checks. Although it would be difficult to undertake spot checks, the Board could take any reports of issues into consideration, which would likely come through Police Scotland. Mr Green added that drivers were fully trained and there were strict regulations relating to delivering alcohol. He said the companies were experienced and operated all over the UK, and trained drivers in Challenge 25. He reassured the Board that any issues would be dealt with swiftly.

Councillor McMillan asked about the relationship between store staff and delivery staff. Mr Green advised that store and delivery staff were aware of the labelling system for bags which contained alcohol. He said that he would be happy to accept any further conditions, but reassured Members that the delivery system worked well and there had never been any issues.

Councillor McMillan was minded to grant the application, and formally proposed the LSO's recommended condition. This condition was seconded by Councillor McGuire.

The Convener then moved to a roll call vote and Members unanimously voted to grant the major variation, subject to the LSO's recommended condition.

Decision

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

- 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.

b. Morrisons Daily, 160 High Street, Musselburgh

Mr Green advised that he had nothing further to add in support of this application, and made identical reassurances regarding this premises as in the previously discussed premises at Item 3a.

The LSO advised that she visited the premises. She had highlighted some issues following the visit, but these had since been resolved. She highlighted her recommended condition relating to deliveries.

PC Wilson confirmed that he had no further comments to make.

Councillor McMillan formally proposed the LSO's recommended condition relating to deliveries. This condition was seconded by Councillor McGuire.

The Convener then moved to a roll call vote and Members unanimously voted to grant the major variation, subject to the LSO's recommended condition.

Decision

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

- 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. EXTENSION OF PROVISIONAL LICENCE Eskview Fry, 57 Eskview Terrace, Musselburgh

The application sought an extension to the provisional licence.

Alistair Macdonald, agent, spoke to the application, and was accompanied by Tracey McDonald, designated premises manager (DPM). He advised that the provisional premises had been in place for four years, and had been obtained during the pandemic. He explained that an architect had left the project before the building warrant had been applied for. He advised that Ms McDonald had tried her utmost to have the licence finalised, but building standards had responded that the submitted items had not been exactly as required. The latest communication had been that four

documents were still required, and the premises sought a six-month extension to obtain the last of these documents.

The LSO reported that she had enquired about progress with building standards. She advised that there had been an outstanding building warrant, which had expired in 2023, but was now valid until September 2024. She confirmed that Mr Macdonald's submission had been an accurate representation of the situation.

PC Wilson reported that police records showed 107 occasional licences as having been processed since September 2022.

Responding to a question from Councillor McMillan, Mr Macdonald agreed that an extension until November 2024 would be sufficient to gather the outstanding documents.

Councillor McMillan formally proposed that the provisional licence be extended to 30 November 2024, and Councillor McGuire seconded this proposal.

Councillor McGuire then moved to a roll call vote, and Members unanimously supported the provisional licence extension.

Decision

The Board agreed to extend the provisional licence until 30 November 2024.

5. OCCASIONAL LICENCES

a. Niall Middleton, Cargo Bars (Scottish Open, Renaissance Golf Club, Dirleton, North Berwick)

The application sought an occasional licence to run bars at the Scottish Open. There were no objections from statutory consultees.

Niall Middleton, applicant, spoke to the application. He advised that he had applied to run bars at the Scottish Open, and had previously run bars at Fringe by the Sea. He had spoken with the LSO and put self-imposed conditions in place regarding personal licence holders. He sought a licence to commence from 10am, but advised that the golf would begin at 7am.

The LSO advised that she had made representation because the 10am start was outwith Board policy for commencement of on sales. She advised that Mr Middleton had submitted a comprehensive drug and alcohol management plan, and had agreed that four personal licence holders would be on site. She informed the Board that Cargo Bars were a new provider to the Scottish Open, but she had no issues with their previous operations at Fringe by the Sea. She advised that Mr Middleton had been willing to accept her recommended conditions.

PC Wilson advised that the Scottish Open was not an event which caused Police Scotland issues. He had made representation only to highlight the 10am commencement of on sales.

Responding to a question from Councillor McGuire, the LSO advised that the whole course would be licensed, and people would be able to walk around the course with a drink. She informed Members that a reusable cup scheme would be in place, and reported that she had not found a problem with litter. She reported that the majority of

people stayed within the vicinity of a bar and did not carry their drink around, largely because it was unhelpful to be carrying a drink when trying to follow a favourite player around the course.

Councillor McMillan commented on the detailed application. He was minded to grant the application on the basis of the LSO's comments and the experience of the applicant. He formally proposed the LSO's recommended conditions, and these were seconded by Councillor McMillan.

Councillor McMillan then moved to a roll call vote. Members unanimously supported the application, subject to the LSO's recommended conditions.

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; and
- Individual personal licence holders to be allocated to manage each of the four bar areas at all times, and all staff involved in the sale and/or supply of alcohol to receive the two hours of mandatory training as required under the legislation.

b. Claire Smith, Marquees 31/32/33 – Green On 18/Patrons, Pavilion/Genesis Lounge (Scottish Open, Renaissance Golf Club, Dirleton, North Berwick)

The application sought to licence the hospitality pavilions at the Scottish Open. There were no objections from statutory consultees.

Claire Smith and Liz Malinson were present to speak to the application. Ms Malinson explained that 12-midnight had been requested on Tuesday 9 July because the club would hold a charity dinner in the pavilion.

The LSO explained that these areas would be licensed separately from the bars on the course, and only certain people would be allowed access, per ticketing and invitations. She advised that the original application had been made for 11am to 12-midnight every day, and notification of different hours had only been received the previous day. She listed the hours which were now requested (listed below), all of which fell within Board policy except for the requested terminal hour of 12-midnight on the Tuesday. She outlined her recommended conditions relating to the event plan and drug and alcohol management plan, personal licence holders, and staff training.

PC Wilson confirmed that there were no objections from Police Scotland, and reiterated the LSO's response to the requested hours.

Responding to questions from Councillor McMillan, Ms Malinson advised that the charity dinner would be a ticketed event, and security personnel would check guests into the pavilion. She advised that there would be no noise disturbance issue because the club was remote, and they would put transport on for guests to get back to Edinburgh.

Responding to a question from Councillor Gilbert, Ms Malinson expressed that the club had asked for an additional hour to 12-midnight for the Tuesday charity dinner because it matched the hours on the club's premises licence, and saw it as a good opportunity to raise money for their charitable foundation. The LSO checked the club's licence and

confirmed that their terminal hour on a Tuesday was 11pm. Ms Malinson responded that they were happy to be guided by the Board on the Tuesday terminal hour.

Councillor McMillan felt that the Scottish Open was a unique occasion for the county and an opportunity for the club to continue their charitable work. He proposed a compromise of 11.30pm to mark the occasion. Councillor Dugdale formally seconded this proposal. Councillor McMillan also proposed the LSO's recommended conditions, and these were formally seconded by Councillor McGuire.

Councillor McMillan then moved to a roll call vote, and Members unanimously supported the application, including the proposed conditions.

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;
- Individual personal licence holders to be allocated to manage each of the bar areas at all times, and all staff involved in the sale and/or supply of alcohol to receive the two hours of mandatory training as required under the legislation; and
- The terminal hours would be:
 - Monday 8 July - 8pm;
 - Tuesday 9 July - 11.30pm;
 - Wednesday 10 July - 8pm;
 - Thursday 11 July - 11pm;
 - Friday 12 July - 9am;
 - Saturday 13 July - 9pm;
 - Sunday 14 July - 9pm; and
 - Monday 15 July - 6pm.

c. Fraser Begbie, Aberlady Gala Committee, Aberlady Gala Day

The application sought an occasional licence for the Aberlady Gala Day. Representation had been submitted by the LSO and Police Scotland.

Fraser Begbie, applicant, was joined by David Bowen and Samantha Robertson, committee members, to speak to the application. Mr Begbie described the event as being for the whole community and an opportunity to celebrate village life. The committee sought to host an inclusive event, and had a track record of safe events which brought people of all ages together. He said the committee had considered whether a bar was appropriate for the event, and had taken into account feedback and recommendations, as well as feedback from previous events. This year, the application only sought a bar from 2pm, as the events predominantly aimed at children were earlier in the day. He said that the licensed area would be clearly marked and volunteers would ensure that no alcohol was taken out into the wider field. He said that regular announcements would be made through the day, and the committee would make sure that everyone was aware of the terms of the licence. He felt that the changes made for this year's event would bring about a safe and inclusive day.

The LSO had brought the application before the Board due to Section 22.14 of Board policy regarding licensing events predominantly offered for children. She highlighted

some of the events, including a bouncy castle, bubble artist, and magician. As around 700 attendees were expected, a drug and alcohol management plan had been requested. She reported that at the previous year's gala, she had seen numerous people taking alcohol out of the licensed area, which breached the on sales licence. She had also observed breaches of the local bylaw, and fed this back to the committee. She had observed that later in the day, the majority of children's events were no longer there, and the event comprised a tent with live music and people sitting on picnic rugs. She said that children had been doing crafts in the tent, and the bar ran while the music played.

PC Wilson advised that there was no police objection to the application, and representation had only been made regarding Section 22.14 of Board policy.

Councillor McMillan described the application as being detailed and thoughtful. He noted that children's events finished at 3.30pm, and asked whether the committee had considered opening the bar after this time. Mr Begbie responded that they were willing to consider all options, but 2pm had been considered an appropriate time to open the bar to coincide with the end of the events primarily aimed at children. Responding to further questions, Mr Begbie advised that live music began at 3pm, and said that all events had appropriate supervision in place, including volunteers and committee members.

Responding to a question from Councillor Dugdale, Mr Begbie said that the committee had wanted to offer events that everybody would enjoy, and it was felt that a bar was part of that offering. They felt that the absence of a bar would diminish some of the items offered for the whole community.

Councillor McMillan highlighted an error in the management plan, and Mr Begbie confirmed that the proposed times were 2pm-7pm.

Ms Robertson echoed some of Mr Begbie's earlier comments. She explained that many people travelled back to Aberlady to see the bands playing, and this was one of the reasons they were keen for a licence and for the event to go on into the evening. She confirmed that the first band would begin at 3pm.

Councillor McGuire noted that the stewards would not be SIA registered. Mr Begbie responded that volunteers would be thoroughly briefed by committee members and said they had been able to build on the experience of previous years.

Councillor McMillan proposed that, as children's activities finished at 3.30pm and music began at 3pm, that the licence be granted from 2.30pm. Mr Begbie confirmed that he would be happy to accept this change, and the proposal was formally seconded by Councillor McGuire. Councillors McMillan and McGuire also proposed and seconded the LSO's recommended conditions, respectively.

Councillor Gilbert stated that he would not support the application because the event was a gala day with events for children throughout the day. Councillor Cassini agreed, and highlighted that licences for similar galas had recently been refused.

Councillor McMillan moved to a roll call vote on the application, including the proposed conditions. Votes were cast as follows:

Grant:	3	(Councillors McMillan, Dugdale, and McGuire)
Refuse:	2	(Councillors Gilbert and Cassini)
Abstain:	0	

Decision

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

- Commencement of on sales would be from 2.30pm;
- The marquee/outside area must be clearly delineated with a barrier and stewarded by the organiser to ensure that there is no alcohol taken from this area;
- No glass or cans permitted. All drinks should be served in alternative containers such as plastic or a reusable alternative;
- Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and relevant conditions of the licence. Signage should clearly identify:
 - A sign prohibiting the entry of persons under 18 to the licensed area;
 - A sign prohibiting the sale or supply of alcohol to persons under 18 to be clearly displayed at any bar servery;
 - Challenge 25 policy and signage must be used;
 - The specific opening and closing times of the bar; and
 - Responsible drinking message;
- The serving of alcohol by all staff must be undertaken in a responsible and safe manner; and
- The Alcohol and Drug Management Plan submitted prior to the event to be adhered to for the duration of the event.

Sederunt: *Councillor Cassini left the meeting.*

d. Tejinder Singh Bath, 103-105 High Street, Tranent

The application sought occasional licences for a recently opened store. There were no objections from statutory consultees.

Alistair Macdonald, agent, spoke to the application, and Tejinder Singh Bath was also present. Mr Macdonald advised that the application was for a shop on Tranent High Street, which had been open and operating without a licence for about a month. He advised that an application for a premises licence had been held off because the building standards certificate had not yet been obtained, and it was Mr Macdonald's preference to apply for a full premises licence. He advised that everything, except for the building standards certificate, had been in place to make the application since February. He advised that progress had been made and that the premises licence application should be available in time for the August Board meeting. Responding to a comment in Police Scotland's representation about Mr Bath's involvement in a shop in Morningside, he advised that Mr Bath had since been replaced as DPM in Morningside, and would be wholly committed to the Tranent shop. He advised that a range of convenience products were sold, and Mr Bath wished to add alcohol to the offer. He provided an account of Mr Bath's experience, where he had been manager at the Morningside store, and had worked in other shops in Edinburgh and Dalkeith. He advised that Mr Bath had held a personal licence for some time, and there would also be another personal licence holder employed at the shop. Mr Macdonald had

suggested that the third member of staff also be retrained before the licence came into effect.

The LSO highlighted a typo in her report and confirmed that the applicant had applied for three occasional licences. She had brought the application before the Board as there was no provisional or premises licence in place, and Board policy raised questions about the scrutiny given for a premises licence which was not available under a string of occasional licences. She had no suggested conditions and was not aware of any deliveries planned.

PC Wilson advised that there were no police objections, and confirmed that his representation regarding Mr Bath being the DPM at the Morningside store was no longer applicable.

Councillor McMillan raised that there was no July Board, and these applications ran out on 14 July. It was suggested that delegated authority would be given to the Clerk of the Board to approve further occasional licence applications from 15 July to 30 August. Councillor McMillan formally made this proposal, and this was seconded by Councillor McGuire.

The Convener moved to a roll call vote on the application, including the proposal to delegate authority to grant applications made in the period before to the August Board meeting. Members unanimously supported the application and the proposal.

Decision

The Board granted the occasional licence applications. The Board also delegated authority to the Clerk of the Board to grant further occasional licence applications to cover the period 15 July to 30 August 2024.

e. Alfred McClintock, Dirleton Fete and Games Committee – Dirleton Games

The application sought an occasional licence for the Dirleton Games. Representation had been submitted by the LSO and Police Scotland.

Miranda Mayes, Chair of the Dirleton Fete and Games, spoke to the application. She advised Sonia Bruce, who would be the bar manager and would otherwise have made the presentation, had had to leave for another meeting. Ms Mayes advised that the Dirleton Fete and Games had run for over 100 years. She advised that it was a family event, but was not only a children's event, with adults making up 60% of the attendees. She advised that the bar was in a gazebo with volunteers serving drinks, such as Pimm's, beer, and prosecco. She felt that to cordon off the bar tent would change the character of the event. She advised that the necessary signage had always been in place, and people drank from plastic cups, as well as cans and bottles. She advised that a health and safety briefing would be given to all volunteers, and the stewards would tour the event to check for any issues. She advised that there had never been issues with alcohol, and people bought a drink to take with them as they wandered around the event.

The LSO had discussed the application with the Clerk of the Board and they had felt that under Board policy Section 22.14 that the majority of events were targeted at children. She listed some of the events on the day. As there were around 1000 people expected, a drug and alcohol management policy had been requested. She said that the application had been made for a drinks tent, and stated that there would not be availability under this application for people to take their drink around the rest of the

field; only the tent would be licensed. Ms Mayes responded that the licence application had always been submitted by Fred McLintock, and assumed that Mr McLintock had been unaware that taking drinks around the field was not allowed under this type of licence. She advised that a gazebo was used, but had always been called a 'drinks tent'. The LSO confirmed that the application had been made for a 'drinks tent on Dirleton Green', indicating that the premises was only the drinks tent and not the field.

Councillor McMillan commented that this had raised a learning point for everyone, and a discrepancy had been identified between what was intended and what had come before the Board. Mr Grilli provided advice on the validity of the application, and noted that what had been applied for was not as Ms Mayes had described. Councillor McMillan asked whether there might be an opportunity to seek an alternative date to hear a revised application, and for someone to help the committee to alter their application. Mr Grilli advised that it would not be possible to accommodate a resubmitted application because the June Board meeting would be after the event, and there would not be time for a revised application to go through the consultation process prior to the event.

Councillor McMillan asked whether the tent and gazebo constituted only a terminology issue, and Mr Grilli responded that the difficulty was the applicant's intended use of the whole field as the licensed area.

Ms Mayes asked whether it would be possible to hire a dedicated drinks tent, and Mr Grilli said that the Board could only consider the application before them. He suggested that the LSO could work with a representative to ensure that operations were in accordance with the licence, but said the question would be whether it would be possible to deliver this. Ms Mayes responded that she could take this to the committee to consider.

PC Wilson advised that there had been no police objections, and his comment had been to highlight Section 22.14 of Board policy.

The LSO drew attention to her recommended conditions to the submitted application, including that the marquee be clearly delineated with a barrier to ensure no alcohol was taken from the area. She reiterated that the application had not been to licence the whole field, and said the only option was for the Board to consider the application as had been submitted.

Councillor McMillan called for an adjournment to allow the Board to discuss the application in private.

Upon Members' return, Councillor McMillan delivered a statement on behalf of the Board. He said that the situation had been unprecedented and difficult, and there had been some misunderstandings. He said that because the application had not matched what had been intended, the Board had not been able to consider it. The Board had considered the timing of another application and did not think it would be possible to complete the process in time for the event. He said that, sadly, it would not be possible to allow alcohol to be served at the event and on the field. He hoped that the committee would be able to be able to comply and meet the licensing objectives for future events. He commented that Members wanted to balance community needs with the five licensing objectives, and wished the games every success.

Ms Mayes responded that she understood the Board's position given the confusion with the application, and hoped to get to grips with the application that should have been submitted.

Councillor McMillan moved to a roll call vote, and Members unanimously voted to refuse the occasional licence.

Decision

The Board refused the application.

Signed

Councillor J McMillan
Depute Convener of East Lothian Licensing Board