



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

**THURSDAY 24 OCTOBER 2024  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
& HYBRID MEETING FACILITY**

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**Board Members Present:**

Councillor L Bruce  
Councillor C Cassini  
Councillor F Dugdale  
Councillor G McGuire

**Clerk of the Licensing Board:**

Mr C Grilli

**Attending:**

Ms K Harling, Licensing Standards Officer  
Ms C Aitken, Licensing Officer  
Ms A Rafferty, Licensing Officer  
Ms A O'Reilly, Licensing Officer  
Ms E Barclay, Committees Assistant  
PS S Miller, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor J McMillan

**Declarations of Interest:**

None

The clerk advised that the meeting was being held as a hybrid meeting; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the East Lothian Licensing Board was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for six months from the date of the meeting.

The clerk recorded the attendance of Board members by roll call.

## **1. STATEMENT OF EXTENSION OF FESTIVE HOURS 2024**

The Convener read the statement of extension of festive hours. He advised that the Board had determined that it was appropriate to grant a general extension of licensed hours for the festive period, which would apply as follows to: Christmas Eve – Tuesday 24 December; Christmas Day – Wednesday 25 December; Boxing Day – Thursday 26 December; Hogmanay – Tuesday 31 December; New Year's Day – Wednesday 1 January 2025 (inclusive), and would allow an extension of the terminal hour for the sale of alcohol during that period until 2am.

This extension would 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 would require to be submitted no later than 2 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.

## **2. MAJOR VARIATION**

### **a. Mach Enterprises, Birsley Garage, Tranent**

An application had been received for a major variation to: change the name and address of the premises to Tranent Service Station; amend the off-sales terminal hour from 9pm to 10pm daily; and to make proposed changes to the operating plan. There had been no objections from Police Scotland, the Planning Authority, or Environmental Health and Trading Standards. The NHS had submitted an objection on the basis of overprovision. The Licensing Standards Officer (LSO) had also submitted representation, including a recommended condition, noted below.

Lynn Simpson, the applicant's agent, spoke to the application. She advised that the application had been made following the applicant takeover of the site earlier in the year. She advised that a wider review was ongoing across the applicant's full estate to cover all activities offered, and to offer a standardised wording across premises licences. She advised that deliveries were undertaken through the Just East app, which had a built in Challenge 25 process. She also noted the lack of objections and representations, although it was later noted that the NHS had submitted an objection.

Karen Harling, LSO, reported that she had found no issues on her visit to the premises, and she welcomed the application to update the premises licence.

The representative from Police Scotland was unable to make comment due to experiencing technical difficulties, but the Convener noted Police Scotland's written submission indicating they had no adverse comment to make. The Convener also commented that he was pleased that the applicant had proactively sought the premises licence update. He noted the NHS' objection regarding overprovision, but commented that general figures had been provided and felt these would not stand up when applied to an application made by an individual premises.

The Convener proposed the LSO's recommended condition relating to deliveries, and Councillor Dugdale seconded the proposal. The Convener then moved to a roll call vote, and Board members unanimously voted in support of the major variation.

## **Decision**

The East Lothian Licensing Board granted the major variation, 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.

### **b. Glenkinchie Distillery Visitor Centre, Pencaitland**

An application had been received for a major variation to: amend inclusion of activities, as noted in the LSO's report; to increase capacity by 200 for cycling and running events; and to increase off-sales to 57.446m<sup>2</sup>. There had been no objections from Police Scotland, the Planning Authority, or the LSO. There had been one submitted public objection.

David Hossack, the applicant's agent, spoke to the application, and was accompanied by Jocelyn Williamson, the Designated Premises Manager (DPM). Mr Hossack provided information on the premises' licensing history and on the operation of the visitor centre. He noted that the premises' location meant that it was unlikely anyone would 'pop in' to buy alcohol, but rather purchases would be made by tourists and visitors to the distillery. He listed the various activities being added, which would provide flexibility to the premises. It was hoped that the distillery could be used as the start or finish of running and cycling races, or as a refreshment point. This would incur a short period where there would be a significant increase in visitors, and the application sought an increase in capacity for these events alone. He suggested the following wording: 'The capacity would be amended to 405 persons, with an additional 200 persons in the external area for running and cycling events.' He gave a detailed explanation as to how the off-sales capacity would be expressed, since the traditional method did not entirely fit the visitor centre, which had a mixed display. He explained that although the capacity of the various tables was counted in the total, these displays also included other items, such as clothing and whisky glasses.

Continuing, Mr Hossack reported that staff had been disappointed to receive the public objection, because engagement with the local community was at the heart of operations. He advised that residents had been invited to a drop-in event to discuss the proposals, and reported that there had been no adverse feedback in relation to the visitor centre at this time. He also noted that the letter of objection spoke about the operations of the distillery rather than the visitor centre, and he highlighted that the objection had pre-dated the community engagement event. He advised that the Senior Site Manager had written to residents, and in the letter had recognised issues regarding lighting and fallen tree branches, and had invited residents to raise any issues with them. He noted that the objection discussed only the potential for disturbance. He advised that events at the visitor centre would be infrequent, and would be well managed and community focused. He highlighted that the objector's comments about litter had not been evident around the premises. He gave reassurance that traffic marshals would be in place for large scale events. He said the applicant was committed to a collaborative approach with the community, and described the application as being congruent with licensing objectives.

The LSO complimented the applicant and agent on their good communication, and thanked them for providing her with an update on their community engagement. She had no complaints about the premises and found it to be well run. She asked that the

applicant engage with the Council's events team, who would direct them to the Safety Advisory Group process for large scale events.

Sergeant Miller advised that Police Scotland had no adverse comment to make on the application.

Councillors Dugdale and McGuire indicated that their questions had been answered within the thorough presentation, and Councillor McGuire described the Glenkinchie Distillery and Visitor Centre as being a jewel in the crown of East Lothian.

The Convener was satisfied with the method used to express the off-sales capacity. All Members also indicated that they were happy for the suggested wording relating to capacity to be included, as noted below.

The Convener then moved to a roll call vote, and the application was unanimously supported by Members.

### **Decision**

The East Lothian Licensing Board granted the major variation.

#### **c. Premier Store, 90 High Street, Haddington**

An application had been received for a major variation to: amend the layout plan and increase the off-sales capacity from 9.32m<sup>2</sup> to 17.1m<sup>2</sup>. There had been no objections from Police Scotland or the Planning Authority. The LSO had submitted representation detailing a number of issues found on visits to the premises.

Alistair Macdonald, the applicant's agent, spoke to the application, and was accompanied by his client, Zain Shah. He had previously indicated to the Clerk of the Board that he would seek a continuation of the application on behalf of his client, and later explained that this was because he thought that Board members might be more comfortable in dealing with the application after the issues raised by the LSO had been resolved. He advised that the LSO's visit to the premises had prompted the major variation application, as there had been an additional area in use for the display of alcohol. He noted that the LSO had not made adverse comments in relation to the application itself, and also highlighted that Police Scotland had no issues with the application. He reported that had discussed the best way forward to resolve the issues in store with the LSO. He referenced the various issues, which related to paperwork, the attitude of the DPM and staff, and the staff's perceived knowledge about their role under the Licensing (Scotland) Act. He explained that his request for a continuation would allow time for him to repeat the staff training, clearly explain to staff what their responsibilities were, assist in organising paperwork, and to make changes to the staff training forms. He thought that five weeks would allow him to make these changes, and for the LSO to conduct visits and produce an updated report.

The LSO advised that the confirmation of the premises licence had prompted her visit. She highlighted the improvements sought, including to paperwork for staff training, ensuring staff were trained, and that the DPM was in control and fully aware of their responsibilities. She advised that the arrangement with documentation in a basket was not acceptable, and it was the responsibility of the business to have paperwork in good order. She supported the request for a continuation to give the premises time to reach compliance, and she would undertake visits to monitor the situation over this time and produce an amended report.

Sergeant Miller echoed the LSO's comments. He was mostly concerned by staff members having given false statements when the LSO and a colleague had attended the premises.

The Convener called for an adjournment to allow Board members to discuss the request for a continuation in private.

Upon their return, the Convener said that the Board had real concerns about the content of the LSO's report, and had considered asking for a review of the premises licence because of the failure to enforce the Challenge 25 policy, because: there was alcohol found outside of the defined area; the DPM appeared not to be in control; and because the premises licence could not be produced when requested. He commented on how recently the licence had been granted, which caused additional concern. He welcomed Mr Macdonald's commitment to help address these issues. He also asked who would be managing the premises in the interim period.

Mr Macdonald responded that the current DPM would continue managing the premises; he held a personal licence and was in charge of the premises on a day-to-day basis. He reassured Board members that the DPM knew what he should be doing, but Mr Macdonald would help the DPM to understand the importance of consistency. He reported that the DPM had found the journey home wearing because he did not live nearby, and advised that a staff flat was now available in Haddington.

The Convener felt that the reports of the failure to properly enforce Challenge 25 was of greatest concern, and asked whether a guarantee could be given that this would be enforced. Mr Macdonald responded that the staff were all very aware of the Challenge 25 policy, and said the current DPM had trained the staff. He reassured Board members that when he repeated the staff training, a good deal of time would be devoted to the age verification policy and to Challenge 25. The Convener indicated that he would be happy to propose a continuation of the application on the basis of Mr Macdonald's answers.

Councillor Dugdale said she had been very concerned about the issues raised by the LSO, but felt somewhat reassured by Mr Macdonald's undertaking with regards to staff training.

Councillor McGuire, as a Local Member, had grave concerns about the failure to carry out Challenge 25 checks, and pointed out that it could not be known whether the incident witnessed by the LSO had been an isolated incident. He had been made aware of reports by local people that this corner of the high street had become a magnet for young people, which he felt raised concerns about the availability of alcohol to them. He commented that the welcome into the store ranged from an excellent reception from one staff member, to another whose demeanour was very poor; Councillor McGuire was concerned whether this staff member would be confident in challenging someone under 25 when they did not even appear to be confident in welcoming customers to the store.

Councillor Cassini agreed with her colleagues' concerns. She was only willing to allow the continuation after taking into account the LSO's suggestions and Mr Macdonald's commitment to working with the applicant to improve the situation; she hoped the applicant would take the opportunity given to them.

Councillor Dugdale seconded the Convener's proposal to continue the application. The Convener then moved to a roll call vote, and members unanimously agreed to continue the application until the November meeting of the Licensing Board.

Mr Macdonald thanked the Board for the opportunity, and indicated he had taken on board Councillor McGuire's comments in particular.

**Decision**

The East Lothian Licensing Board continued the application to the November meeting of the Licensing Board to allow the applicant time to address the issues identified by the LSO.

Signed .....

Councillor L Bruce  
Convener of East Lothian Licensing Board