



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

**THURSDAY 22 FEBRUARY 2024  
ONLINE PLATFORM MEETING**

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**Board Members Present:**

Councillor L Bruce (Convener)  
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 C Aitken, Licensing Officer  
Ms K Harling, Licensing Standards Officer  
Mr R Thompson, Solicitor  
PC L Wilson, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor C Cassini  
Councillor F Dugdale

**Declarations of Interest:**

None

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

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

**2. OCCASIONAL LICENCES**  
**a. Dunglass Estate, Dunglass, Cockburnspath**  
**(i). Christopher Nixon (eight occasional licences, one of which is outwith Board policy for on sales)**

The application sought eight occasional licences for weddings, one of which was outwith Board policy for on sales. The applications had come before the Board on the basis of representation from the Licensing Standards Officer (LSO).

Simon Usher was in attendance on behalf of the Dunglass Estate, accompanied by agent, Alistair Macdonald. Christopher and Susannah Nixon and Sophie Arnot were also present on behalf of Platter and Pop.

Mr Nixon said that under the current arrangement at Dunglass Estate, the only option was to make applications for occasional licences, and sought clarity as to whether the volume of occasional licences had meant the applications had been brought before the Board. Mr Grilli, Clerk of the Board, responded that the one application outwith Board policy would have been brought before the Board in any case, but the substantial number of occasional licences coming from the Dunglass Estate would be reviewed as they came forward.

Mr Macdonald provided background information on the licensing position of the site. He explained that a new licence had been required following the site being moved and altered. He advised that an application submitted in 2023 had been incomplete and communication between officers and the previous Dunglass events manager had not resulted in an acceptable application, and Mr Usher had since taken on this task. He advised that an application had already been drafted, and a provisional licence application could be lodged with only the currently held Section 50 certificate from planning. He advised that a new layout plan had been completed and had been used to apply for all three Section 50 certificates. He indicated that his preference would be to wait for the grant of all three Section 50 certificates, but he would submit a provisional licence application sooner should the Board prefer this. He felt that building standards would be able to grant quickly, and said that food and hygiene would only require an inspection. He apologised on behalf of his clients for the inconvenience caused, but said that his clients did not wish to cause stress to couples in the run up to weddings. He thought there may have to be more occasional licence applications made before May when it was hoped that a full or provisional premises licence application would be heard by the Board.

The LSO said she had made representation due to the volume of occasional licences and due to the premises having operated in this manner for nearly three years. She recalled the history of the site whereby the Board had agreed that the premises no longer existed per the previous layout plan, and the previous premises licence had fallen. She was aware that work had then begun to bring forward a new premises licence application, but no such application had yet been made. She also highlighted that the application for Wednesday 24 April with a terminal hour of 12 midnight was outwith Board policy.

Ms Arnot advised that it was hoped that a terminal hour of 12 midnight could also be granted for Wednesday 17 April and sought advice as to whether this change could be

addressed at this meeting. The LSO responded that the application for 17 April had requested a terminal hour of 11pm, and therefore an extension to 12 midnight had not been consulted upon. Mr Grilli confirmed that a fresh application would be required if the applicant sought a terminal hour of 12 midnight on 17 April. He advised that the application until 11pm could be considered today, and the applicant could make a new application to include a terminal hour of 12 midnight.

PC Wilson advised that Police Scotland had no objection to the application, and had made representation only to highlight that the 12 midnight terminal hour for the application on 24 April was outwith Board policy, and also to highlight the volume of occasional licences from the Dunglass Estate.

Councillor McMillan asked about communication between the estate and all parties. The LSO responded that the outside caterers had no choice but to apply for occasional licences when working from the premises, and they had always presented competent applications. However, she felt that communication with the premises had broken down and she wanted the Dunglass Estate to move forward in making a premises licence application.

Board Members and Mr Grilli discussed the merits of making a provisional licence application if this could be lodged sooner than a full premises licence application. Mr Macdonald expressed a preference to apply for a full premises licence, however, he would find out the deadline for a submission to be heard at the May Board and would lodge a full or provisional premises licence depending on the Section 50 certificates that had been received by this time.

Councillor Gilbert was content to grant all applications apart from the application for 24 April which had a terminal hour outwith Board policy. He made a formal proposal that the terminal hour for the application on 24 April be amended to 11pm to be in line with Board policy. Councillor McGuire seconded this proposal. He commented that there were a large number of applications being made for midweek weddings and felt that the policy on terminal hours was in place for a reason.

The Convener then moved to a roll call vote on the proposal to amend the 24 April application's terminal hour to 11pm. Members unanimously supported this change.

The Convener then moved to a roll call vote on all applications, including the 24 April with an 11pm terminal hour. Members unanimously voted to grant the applications.

## **Decision**

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

- The occasional licence on 24 April would have a terminal hour of 11pm.

### **a. Dunglass Estate, Dunglass, Cockburnspath (ii). Louise Proctor (one occasional licence)**

The application sought an occasional licence for a wedding. The application had come before the Board on the basis of representation from the LSO.

Louise Proctor, applicant, spoke to the application. She explained that she was in the same position as had been discussed under Mr Nixon's applications, and had no choice other than to apply for occasional licences at the Dunglass Estate.

The LSO and PC Wilson confirmed that they had no further comments to make, and Councillor McMillan advised that he was content to support the application.

The Convener then moved to a roll call vote and Members unanimously agreed to grant the application.

### **Decision**

The Board granted the occasional licence.

#### **a.     Dunglass Estate, Dunglass, Cockburnspath (iii).   Joanna Lawrence (one occasional licence)**

The application sought an occasional licence for a wedding. The application had come before the Board on the basis of representation from the LSO.

Joanne Lawrence and Nicola Mackenzie were present to speak to the application. Ms Lawrence highlighted a mistake on the agenda, and said that the application was for 23 March and not 24 March as listed. She explained that she was in the same position as other outside caterers who had to apply for occasional licences.

The LSO and PC Wilson confirmed that they had no further comments to make on the application.

The Convener was happy to support the application, as the hours were within Board policy. Councillor McMillan supported the application and welcomed the progress being made around the premises and on the estate. He hoped that the premises licence application would come forward to involve less bureaucracy for all involved, and he also commented on the high standard of the venue and catering.

The Convener then moved to a roll call vote and Members unanimously agreed to grant the application.

The Clerk of the Board noted Mr Macdonald's assertion that an application for a premises or provisional licence would be lodged in time to be heard at the May Board. He asked whether Members would be minded to grant any further occasional licence applications within Board policy, and suggested that delegated authority could be given to officers to do so. Members unanimously indicated that they would be content for occasional licence applications for the Dunglass Estate which fell within Board policy to be granted under delegated authority until the May Board. The Convener indicated that any further requirement for delegation could be considered at the May Board meeting.

### **Decision**

The Board granted the occasional licence for 23 March 2024.

The Board also agreed to delegate authority until the May Board for the Clerk of the Board to grant occasional licence applications which may come in from the Dunglass Estate and fall within Board policy.

**b. Luffness New Golf Club, Aberlady  
Mary Lou Watkins (six occasional licences)**

The application sought six occasional licences, five of which were for a horsebox on the golf course, and one of which was for the golf clubhouse and the grassed area outside the clubhouse. The application had come before the Board on the basis of representation from the LSO.

Mary Lou Watkins spoke to the applications. She advised that the applications had been made to facilitate events at the club. She said the club took delivery of a horsebox on the morning of the events, and these were used to offer one drink to golfers moving between the ninth and tenth tees. She advised that the application made for the outside area was for an event over captain's weekend, and said it would only be used if the weather was good.

PC Wilson said that there were no police objections, but highlighted that the commencement times were earlier than Board policy allowed. Ms Watkins responded that commencement of alcohol sales was from 9am on the club's licence. Mr Grilli confirmed that earlier sales of alcohol had been permitted under a previous application, but this was within a certain location. As this application was for areas outwith the designated area the Board had granted permission to make sales of alcohol from 9am, the applications were not covered by the premises licence and had to be considered against Board policy.

Responding to a question from Councillor Gilbert, Ms Watkins confirmed that there would be no under-18s at any of the events.

Councillor McMillan was minded to grant the applications and thanked officers for making the Board aware of events outwith usual premises or Board policy. He was reassured by the applicant's work to promote golf that the events would be well managed.

Councillor Gilbert sought an adjournment to allow Members to discuss the applications in private.

Upon Members' return, the Convener noted that the applications for the commencement of sales of alcohol were outwith Board policy, but were made in connection to a premises licence already in place. However, in other areas, the club was permitted to serve alcohol from 9am because the Board had considered this application previously and put in place appropriate controls to ensure the five licensing objectives would be met. He suggested that Ms Watkins obtain advice from the LSO about having the area added to the licensed area. Per the LSO's suggested condition, the Convener proposed that a delineated area be put in place for both the horsebox and the area outside the clubhouse. He also proposed that no more than one drink per patron would be served at the horsebox, and that non-alcoholic drinks would be made available. Councillor McGuire formally seconded these proposals.

Councillor McMillan said he was minded to grant the applications with the proposed conditions because of the climate and culture he was aware of around the club. He thanked the LSO and police colleagues for bringing the applications to the Board.

The Convener then moved to a roll call vote on the conditions he had proposed, as seconded by Councillor McGuire, and Members unanimously supported adding these conditions.

The Convener then moved to a roll call vote on the applications, as amended by the proposed conditions, and votes were cast as follows:

Grant:	3	(Councillors Bruce, McGuire, and McMillan)
Refuse:	1	(Councillor Gilbert)
Abstain:	0	

## **Decision**

The Board granted the occasional licences, subject to the following conditions:

- The on sales area to be clearly delineated to avoid persons leaving the area with alcohol.
- Only one drink to be served per patron at the horsebox, and non-alcoholic drinks to be available.

### **c. Broxmouth Courtyard, Broxmouth Park, Dunbar Paul Mitchell (eight occasional licences which are outwith Board policy)**

The application sought eight occasional licences which were outwith Board policy for on sales. The application had come before the Board on the basis of representation from the LSO.

Paul Mitchell spoke to the applications. He referred to the discussions under the Dunglass Estate items and understood the purpose of the Board policy with regards to terminal hours. He asked that the Board consider the applications for later terminal hours which fell outwith Board policy on the basis that the potential for disruption around Broxmouth Courtyard was so low, with many guests staying on site. He highlighted that there was an increasing demand for weekday weddings in the area, and the site had a history of operating weddings with extended hours.

PC Wilson said that police representation had been made to highlight that applications fell outwith Board policy, as well as the volume of occasional licence applications made by the premises. He was aware that the premises held a provisional licence.

The LSO pointed out that the provisional licence for Broxmouth Courtyard had Board policy hours. She had asked that a major variation be submitted, but no such application had been forthcoming. She also raised concern about management being shared with the Bayswell Hotel and how the manager would maintain both roles.

Mr Mitchell advised that the general manager of Broxmouth Courtyard had applied to become the premises manager (DPM) at the Bayswell Hotel. Mr Mitchell advised that he had originally been put on the premises licence at the Bayswell Hotel and was still to confirm that he had been formally taken off this role at the Bayswell Hotel, however, he said that he was able to look after both premises. He stated that his intention was to become the DPM at Broxmouth Courtyard when the premises licence application was confirmed. He advised that solicitors had been instructed to make an application for confirmation of the premises licence, and Section 50 certificates were being finalised. A visit had been made by building standards the previous day, and he reported that he had remedied the one concern raised by food and hygiene.

Mr Grilli responded that there had been no formal application made in relation to the DPM position at the Bayswell Hotel, and suggested that Mr Mitchell discuss this with his agent.

Councillor Gilbert asked whether it was being made clear to potential clients that 11pm was the cutoff for selling alcohol at midweek weddings. Mr Mitchell said that staff had not stated that the cutoff was 12 midnight, but this had been their hope because of the precedent set in 2022 and 2023.

Councillor McGuire was aware that the premises was well run and provided a much-needed service in the area. He felt that Board policy on terminal hours was in place for a reason, and felt that more applications were coming in based on a precedent set. He was concerned that staff had not made clients aware that midweek weddings were subject to an earlier terminal hour. He noted that the Board had just refused to grant extended hours in a similar application from the Dunglass Estate, and formally proposed that the terminal hours be restricted to 11pm for midweek weddings. He advised that notice be given to future potential customers.

Councillor Gilbert formally seconded the proposal to restrict the midweek applications to a terminal hour of 11pm to fall within Board policy.

The Convener agreed with his colleagues' comments. He would prefer for requests for extended hours to be made as a major variation to allow the Board to fully scrutinise the application. He was pleased to hear about progress in obtaining Section 50 certificates. He felt it was vital that the provisional licences were confirmed to premises licences. He reported that there had been 916 occasional licence applications made last year, and 432 of them had been in such instances while a premises held only a provisional licence; he said processing of such applications put incredible strain on the licensing department.

The Convener then moved to a roll call vote on the proposal that all midweek weddings have a terminal hour of 11pm, as proposed by Councillor McGuire and seconded by Councillor Gilbert. Members unanimously voted in support of this amendment.

The Convener then moved to a roll call vote on the applications as amended, and Members unanimously voted to grant the applications with a terminal hour of 11pm for midweek weddings.

## **Decision**

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

- Midweek weddings would have a terminal hour of 11pm.

Signed .....

Councillor L Bruce  
Convener of East Lothian Licensing Board