

**EAST LOTHIAN LICENSING BOARD
NOTICE OF MEETING of the EAST LOTHIAN LICENSING BOARD**

**THE SALTIRE ROOMS, 1ST FLOOR, JOHN MUIR HOUSE, HADDINGTON on
THURSDAY 30TH AUGUST 2012 at 10am**

Agenda of Business

Apologies

Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, indentifying the relevant agenda item and the nature of their interest.

1. Minutes for Approval:

- (i) 28th June 2012 Board Meeting
- (ii) 12th July 2012 Board Meeting

(copies attached for Board Members only)

2. Variations of Premises Licence –

- (i) Asda Store – Spott Road, Dunbar
- (ii) Belhaven Fruit Farm – Thistly Cross, Dunbar
- (iii) Bunnys (Formerly Fishermans Kitchen) – 96 High Street, North Berwick
- (iv) Carberry Tower – Whitecraig, Musselburgh
- (v) Co-operative Group Food Ltd. – Main Street, Ormiston
- (vi) Co-operative Group Food Ltd. – 117 High Street, North Berwick
- (vii) Co-operative Group Food Ltd. – 1B Rosebery Place, Gullane
- (viii) Co-operative Group Food Ltd. – Duns Road, Gifford
- (ix) Co-operative Group Food Ltd. – 118-120 High Street, Dunbar
- (x) Co-operative Group Food Ltd. – 53 High Street, East Linton
- (xi) Co-operative Group Food Ltd. – 2B Elcho Road, Longniddry
- (xii) Gardeners Arms – 11 Kilpair Street, Haddington
- (xiii) Longniddry Royal British Legion – Links Road, Longniddry
- (xiv) Wallyford Miners Welfare & Social Club – Salters Road, Wallyford

3. Further Report – The Anchor Bar (Formerly The Clubhouse), Musselburgh

4. Personal Licence Application

- (i) Douglas Obama Smith – c/o Winckworth Sherwood

**KIRSTIE MACNEILL
Clerk to the Licensing Board
Date: 22nd August 2012**

East Lothian Licensing Board

MINUTES FROM:

(i) 28TH JUNE 2012

(ii) 12TH JULY 2012

LICENSING BOARD MEETING

(For Board Members only)

1(i)

MINUTES FROM 28TH JUNE 2012

LICENSING BOARD MEETING

(For Board Members only)

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

**THURSDAY 28 JUNE 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor s Akhtar
Councillor J Goodfellow (Chair)
Councillor D Grant
Councilor W Innes
Councillor F McAllister

Clerk of the Licensing Board:

Ms K MacNeill, Clerk

Attending:

Mr G Fairgrieve, Food Safety Manager
Mr R Fruzynski, Licensing Standards Officer
Ms D Richardson, Licensing Administration Officer
Insp S Broadhurst, Lothian & Borders Police
Insp H Miller, Lothian & Borders Police
PC J Leslie, Lothian & Borders Police

Committee Clerk:

Ms J Totney, Democratic Services Manager

Apologies:

Councillor D Berry
Councillor P McLennan

Declarations of Interest:

None

1 APPOINTMENT OF CONVENOR TO EAST LoTHIAN LICENSING BOARD

The Clerk welcomed everyone to the meeting and advised that the first item of business is not on the agenda. Councillor Goodfellow was proposed by Councillor Innes and seconded by Councillor Grant.

Councillor Goodfellow proposed a vote of thanks to the members of the previous East Lothian Licensing Board.

Decision

Councillor Goodfellow was appointed Convenor to East Lothian Licensing Board.

2 MINUTES FOR NOTING – 26 APRIL 2012

The minutes of the Licensing Board meeting of 26 April 2012 were noted.

3 GRANT OF PROVISIONAL PREMISES LICENCE

(i) Lobster Shack, mobile unit situated in North Berwick harbour

The applicant, Mr S Stewart, was present. The Clerk advised that the application is in order and that no comments or objections had been received.

Decision

ELLB agreed to grant the Provisional Premises Licence.

4 VARIATION OF PREMISES LICENCE

(i) Co-operative Group Food Limited – 1 Clayknowes Crescent, Musselburgh

The Clerk advised that an application had been received to vary the trading hours from 7am to 10pm Monday to Saturday and 8am to 10pm on Sunday, to 7am to 10pm Monday to Sunday and that no objections or comments had been received. Mr Williams, representative for the Co-operative Group Food Limited, was present. Mr Williams informed the Board members that the variation to the licence would have no impact on the hours when alcohol is permitted to be sold on the premises.

Decision

East Lothian Licensing Board agreed to grant the variation in Premises Licence.

(ii) Winton House – Pencaitland, East Lothian

The Clerk advised that an application had been received to change the operating hours from 11pm to midnight every day; to change the capacity from 140 to 218 persons; and to reduce the licensed areas in the basement area. She informed members that Lothian & Borders Police had requested a termination time of 11pm, rather than midnight, Monday to Friday. No one was present to represent Winton House.

Councillor Innes commented that East Lothian Licensing Board has previously accepted exceptions to the licensing policy. However, in the absence of a representative to explain the reason for the request to extend the operating hours he stated that the view of the Police should be supported.

Councillor Grant requested that this item be adjourned and that the licence holder be asked to attend in person to address the Board.

The Clerk advised that an additional meeting of the Board had been arranged for 12 July 2012 and that the item could be continued to that meeting.

Decision

East Lothian Licensing Board agreed to continue the item and invite the applicant to attend in person on 12 July 2012.

5 REVIEW OF PREMISES LICENCE

(i) Auld Brig Tavern – 45 Eskside West, Fisherrow, Musselburgh

The Clerk advised that a review of the premises licence had been requested by Lothian and Borders Police. Mr N Hassard from Lindsay's was present to represent Belhaven Brewery Company Limited, landlords of the Auld Brig Tavern. Ms E Drummond, Regional Manager, Belhaven Brewery was also present.

Inspector Broadhurst, Lothian & Borders Police, stated that there had been a number of concerns with these premises over the past year and referred Board members to the summary of incidents which was included as an appendix in the private distribution of the meeting papers.

Mr Hazard explained the management set-up at the premises and advised that although Belhaven Brewery exhibit a very high level of due diligence, the premises are co-tenanted and run by Mr J Clark & Mrs D Clark, personal licence holders, and Mr J Livingston. He concurred that there had been a catalogue of unacceptable incidents and offences at the Auld Brig Tavern. However, he informed the Board that the lease is not being renewed and that a new, very experienced tenant, will be taking over from 2 July 2012. He referred to the fact that there is a remit to review the personal licences of those individuals running the premises but suggested to the Board that no action be taken in relation to the premises licence as this would hinder the success of the imminent take over by the new tenant.

Inspector Broadhurst confirmed that the new tenant has a good reputation in Mid Lothian where he currently runs a number of licensed premises. However, he expressed serious concern in relation to the attitude and behaviours of the current tenants/personal licence holders at the Auld Brig Tavern, making reference to some specific incidents listed in the appendix to the Police report.

The Board noted that Mr J Clark was present.

Mr Hassard pointed out that he had no remit to represent the personal licence holders.

The Clerk to the Board stressed to Mr Clark that any comments he wished to make to the Board should be restricted to the matter of his personal licence and that he should not discuss any details relating to the offences and incidents raised by Lothian & Borders Police.

Mr Clark volunteered that he would surrender his own personal licence but asked the Board to take a favourable view regarding Mr W Hogg, another personal licence holder, who is the bar manager at the premises, pointing out that the co-tenants had placed Mr Hogg under pressure to manage the bar in the manner in which he did. Mr

Clark commented that he was unsure of the intentions of Mrs D Clark, his wife, another personal licence holder, regarding her licence.

Inspector Broadhurst advised that there are no issues regarding Mrs Clark's conduct.

Members of the public withdrew from the meeting at this point to allow the Police to provide further information regarding the personal licence holders. In response to a question from Councillor McAllister, Inspector Broadhurst advised that it is rare for such a serious situation to come before East Lothian Licensing Board.

Members of the public returned to the meeting while the Board members and Clerk withdrew to debate the matter in private.

Following the Board's considerable private deliberations, Councillor Goodfellow delivered the decision of the East Lothian Licensing Board.

The Clerk confirmed that the reasons for the Board's decisions would be issued to Mr Hassard as soon as possible.

Decision

East Lothian Licensing Board agreed:

- (i) to suspend the premises licence for seven days with immediate effect
- (ii) that the Licensing Standards Officer and East Lothian & Borders Police should closely monitor the premises on an ongoing basis
- (iii) to review the personal licences of Mr Clark and Mr Hogg

PRIVATE BUSINESS

6 PERSONAL LICENCE APPLICATION

(i) Stephen Fruzynski

The Clerk advised that an application had been received for the grant of a personal licence license and advised that the applicant has been convicted of a relevant offence. The applicant, Mr S Fruzynski, was present.

Inspector Broadhurst provided background information regarding the drink-driving conviction in 2008 and advised that this was the only offence on Mr Fruzynski's record.

Mr Fruzynski informed the Board that he had made a bad judgement call on the occasion in question and as a result had lost his position as a retained fire-fighter and had disgraced himself and his family. Since then, he has worked to re-establish himself in the local community through sports coaching and is now applying for a personal licence in order to support the running of the Gardner's Arms in Haddington.

Councillor Innes commended Mr Fruzynski for his behaviour since the offence and advised that he would have no hesitation in supporting this application; a view shared by Councillor Grant.

Decision

East Lothian Licensing Board agreed to grant the personal licence.

1(ii)

MINUTES FROM 12TH JULY 2012

LICENSING BOARD MEETING

(For Board Members only)

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

**THURSDAY 12 JULY 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor J Goodfellow (Chair)
Councillor D Grant
Councillor W Innes
Councillor F McAllister
Councillor S Akhtar

Clerk of the Licensing Board:

Mrs K MacNeill, Depute Clerk

Attending:

Mr J Murdoch, Building Standards Manager
Mr F Mackay, Principal Environmental Health Officer
Mr R Fruzynski, Local Licensing Officer
Insp G Tennant, Lothian & Borders Police
PC J Leslie, Lothian & Borders Police
Ms D Richardson, Licensing Admin Officer

Committee Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

None

1. APPLICATION FOR OCCASIONAL LICENCE

(i) Martin Gach – Spiegel Tent, Harbour, North Berwick (Fringe by the Sea event)

The applicant, Mr Martin Gach, was present.

The Clerk advised that the applicant had applied for an Occasional Licence for the duration of the Fringe by the Sea event, 6-12 August 2012, to permit the sale of alcohol between 11am and 2am each day. In their letter of 27 June 2012, the Police had objected to the hours sought, requesting a terminal hour Monday to Wednesday of 23.00, Thursday to Saturday 01.00 and midnight on Sunday. The Police had also suggested a number of Conditions should the licence be granted.

The applicant explained that a licence until 2am would provide a 'cool down' period for patrons following late night shows, when they can discuss the evening's entertainment. Last year he had been granted a licence until 1am and there had been no complaints of noise. He advised Members that he was working with taxi companies to ensure that patrons left the premises safely and quietly and there would be stewarding on the perimeter to ensure that no-one without a ticket entered. He added that there would be a Personal Licence Holder on duty at all times and that the premises would not necessarily stay open until 2am every evening.

The Police Inspector stated that there were concerns associated with premises having a licence until 2 am, especially on week days. He therefore requested that the applicant revised his application to accord with the policy hours.

The Licensing Standards Officer reported that there had been no problems during this event in 2011 and he therefore had no objection to the hours applied for. He did, however, recommend that if the licence was granted, alcohol was only served until 1.30 am. The applicant agreed to this request.

Councillor Innes was pleased to support this application, describing the Fringe by the Sea as an important festival which attracted many visitors to East Lothian.

Decision

The Licensing Board agreed to grant the Occasional Licence as requested, subject to the following Conditions:

1. The Spiegel Tent, Yurt Marquee and any licensed area around it should be clearly delineated and stewarded by the organiser to ensure that there is no underage persons drinking within the licensed area or marquee and that no alcohol is taken from this area.
2. Access to the bar should be restricted to persons of the age 18 years and over i.e. no children or young persons to be permitted within 1.5m of the bar.
3. Appropriate signage must be clearly displayed within the marquee, relative to age restrictions and the relevant conditions of the licence. Signage should clearly identify:
 - a. No under 18s served alcohol
 - b. Persons who appear to be under the age of 25 will be asked to provide identification

- c. The specific opening and closing times of the bar
 - d. Responsible drinking message
 - e. No smoking signs
4. There should be a personal licence holder present at all times.
 5. Plastic drinking containers should be used throughout the duration of the event.
 6. All reasonable requests made by the Police should be complied with.

(ii) Martin Gach – Blackadder Church, North Berwick (Fringe by the Sea event)

The applicant, Mr Martin Gach, was present.

The Clerk advised that the applicant had applied for an Occasional Licence for the duration of the Fringe by the Sea event, 6-12 August 2012, to permit the sale of alcohol between 11 am and 12 midnight each day.

The applicant advised that he had reconsidered this application and was happy to comply with the Police recommendation that the terminal hour be changed to 11 pm each day.

Decision

The Licensing Board agreed to grant the Occasional Licence as requested, subject to the Conditions below:

1. Access to the bar area should be restricted to persons of the age 18 years and over i.e. no children or young persons to be permitted within 1.5m of the bar.
2. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage should clearly identify:
 - a. No under 18s served alcohol
 - b. Persons who appear to be under the age of 25 will be asked to provide identification
 - c. The specific opening and closing times of the bar
 - d. Responsible drinking message
 - e. No smoking signs
3. There should be a personal licence holder present at all times.
4. All reasonable requests made by the Police should be complied with.

(iii) Ian Rennie – Shed at Belhaven Fruit Farm, Dunbar (Beer and Cider Festival)

The applicant, Ian Rennie, was not present.

The Clerk advised that a number of issues concerning this application, for an Occasional Licence for the period 27-29 July 2012, had now been resolved. The applicant had amended his application, reducing capacity to 680 and changing the hour by which children must leave the venue to 8 pm.

Both the Police and the Licensing Standards Officer had met with the applicant and had no objections to the application, subject to Conditions being met.

Decision

The Licensing Board agreed to grant the Occasional Licence as per the amended application, subject to the Conditions below:

1. Access to the bar area should be restricted to persons of the age 18 years and over i.e. no children or young persons to be permitted within 1.5m of the bar.
2. Appropriate signage must be clearly displayed within the bar area, relative to age restrictions and the relevant conditions of the licence. Signage should clearly identify:
 - a. No under 18s served alcohol
 - b. Persons who appear to be under the age of 25 will be asked to provide identification
 - c. The specific opening and closing times of the bar
 - d. Responsible drinking message
 - e. No smoking signs
3. There should be a personal licence holder present at all times.
4. All reasonable requests made by the Police should be complied with.
5. Positive measures of entry control should be introduced to prevent uninvited persons gaining access to the event. Legislation on the stewarding of events should also be observed.

2. VARIATION OF PREMISES LICENCE

(i) Winton House – Pencaitland, East Lothian

The Deputy Manager, Morag Morrison, was present.

The Clerk advised that this application had been continued from the Board's meeting on 28 June 2012 to allow a representative from Winton House to attend today's meeting and explain to Members the reason why they wished to change their terminal hour from 11pm to midnight every day.

Ms Morrison stated that Winton House was a family home first and foremost in the market for hosting private and corporate events. She advised that every event was run by an event organiser and the departure of all guests was by pre-arranged transport. She reported that there had been a change in their clientele with more European clients making reservations and often arriving between 8 and 9 pm, impacting on what the management was able to offer guests. Enquiries were increasing and there was a need for the business to remain competitive.

Management also worked with the Economic Development Unit to bring benefits to the local economy.

The Police Inspector referred to the Divisional Licensing Officer's letter of 5 June 2012, pointing out that the request was outside Board Policy.

The Licensing Standards Officer had no objections to the application. He acknowledged that the request was outwith Board Policy but he was satisfied that Winton House was a well run establishment. There had been no reports of noise nuisance from the premises in the past and he did not anticipate that the additional hour in the evening would make a material difference.

Councillor Grant, Local Member, declared his support for this application and was pleased to hear that the management of Winton House was seeking to attract more visitors.

Decision

The Licensing Board agreed to grant the variation in Premises Licence.

3. REVIEW OF PREMISES LICENCE

(i) Martin McColl Ltd – 160 High Street, Musselburgh 55 Delta Drive, Musselburgh

Mr Philip Knight, solicitor, was present to represent Martin McColl Ltd. Mr William Morrison, Area Manager for R S McColl, was also present.

The Clerk advised that the Police had requested a review of the above premises licence following receipt of a letter dated 24 May 2012 advising that the licence holder had been found guilty of two offences in May 2012.

Mr Knight advised that the two offences relating to Health and Safety had taken place in Cornwall. He added that no offences had been committed in Scottish stores and recommended that no further action was taken.

Decision

The Licensing Board agreed to take no further action. The Convenor commented that he hoped that Scottish Ministers would take steps to amend the legislation to avoid the expense and inconvenience of cases such as these coming before the court in future.

(ii) Tesco Stores Ltd – Olive Bank Road, Musselburgh Tantallon Road, North Berwick Newton Port, Haddington

There was no representative present on behalf of Tesco Stores Ltd.

The Clerk advised that the Police had requested a review of the above premises licences following receipt of a letter dated 19 April 2012 advising that the licence holder had been found guilty of an offence in March 2012.

The Licensing Standards Officer, who had been in contact with the licence holder, advised that the conviction was local to one store in England and would not impact upon trade in East Lothian.

Decision

The Licensing Board agreed to take no further action.

(iii) Macmerry Miners Welfare & Social Club

John Bett (Solicitor), Ruth Nisbet (Secretary), Robert Nisbet (Vice President), and Isobel Redpath (Bar Manager), were present.

The Clerk advised that the Police had requested a review of the Premises Licence issued to Macmerry Miners Welfare and Social Club under Section 36(3)(b) of the Licensing (Scotland) Act 2005.

The Police Inspector stated that the Club had breached the Conditions of its licence and summarised the main points from the report which had a detailed summary of incidents attached. It was a particular concern that one entry in the report noted that club members had refused to accept Police advice and had indicated that they would continue to operate the club in conflict with the conditions of their licence. The Inspector advised that the Police had never before requested a review of a club licence in East Lothian, but in this case, they had no alternative but to bring matters to the attention of the Board. In conclusion, he stated that incidents occurring within the vicinity of the premises had demonstrated an unacceptable level of noise, nuisance, disorder, antisocial behaviour and unwillingness of Committee Members to co-operate with Police and Council officials, in contravention of the Scottish Government's licensing objectives.

The Licensing Standards Officer concurred with the Police report. He had submitted his own report to Members and had nothing further to add.

Mr Bett addressed a number of the issues raised in the Police report. Firstly, he challenged the Police's claim that committee members had not complied with Licensing (Clubs) (Scotland) Regulations 2007. He stated that Condition 6 of their licence, restricting the number of guests members could sign in to 6, was *ultra vires* (outwith the power of the Board), citing a successful appeal by Brightcrew Limited against the City of Glasgow Licensing Board. He therefore submitted that the Board had no authority to enforce this condition. Police had advised that the correct procedure for facilitating birthday parties at the Club was to seek an Occasional Licence for each event. However, he claimed that restricting clubs to 12 Occasional Licences per annum was unreasonable.

Secondly, he addressed the issues raised concerning the Signing In book at the Club. He stated that members recognised that there had been failings in this respect in the past, but he reported that new procedures were now in place. Mr Bett also responded to allegations concerning the acceptance of new members, events hosted by non-members, issues surrounding the late night dispersal of patrons from the club and underage drinking. He reported that social memberships were no longer available and staff were now pro-active in ensuring an orderly dispersal of patrons. The Club strenuously denied that any underage drinking had taken place on the premises and he pointed out that neither the club nor staff members had ever been charged with such an offence. Mr Bett also advised that the Club proposed to

appoint a Licensing Liaison Officer as a point of contact for the Police and the Licensing Standards Officer and was seeking quotations for CCTV. In light of his submission, Mr Bett requested that the Board take no further action.

The Police Inspector responded to a number of claims in Mr Bett's statement and Mr Bett provided further details in response to questions from Members.

Members withdrew to discuss the matter further in private.

Decision

The Licensing Board considered that the incidents reported by the Police and Licensing Standards Officer in relation to this premises were serious. They did not accept Mr Bett's assertion that limiting the number of people a member could sign in to 6 was *ultra vires*. They considered that this Condition on their licence was defensible and was not affected by the Brightcrew decision. The reason for the imposition of the condition was directly related to the sale of alcohol and the licensing objectives of preventing public nuisance and preventing crime and disorder.

The Chair indicated that the Board had considered suspending the licence but instead, it would issue a written warning under Section 39 (2)(a) of the Licensing (Scotland) 2005 Act. The Chair also called for reports in 6 months time and looked forward to receiving evidence of an improvement in the affairs of the club in that time.

The Licensing Board agreed to a Variation of Licence to include the following Conditions:

1. The Club must appoint a Licence Liaison Officer by 31 July 2012 and the appointed person must undergo appropriate training.
2. The Club must give 7 days' notice to Police and the Licensing Standards Officer of any 18th or 21st birthday parties.

4. REVIEW OF PERSONAL LICENCE

(i) John Clark – Musselburgh

The Personal Licence Holder, Mr John Clark, was not present.

The Clerk advised that Mr Clark had contacted the Licensing Office to advise that he would be unable to attend today's meeting. Mr Clark had been present at the June meeting of the Board and had made a statement in respect of the Review of Premises Licence concerning the Auld Brig Tavern in Musselburgh.

Members considered whether to proceed with the Hearing today or to continue the matter. The Chair then advised that the Board would proceed with the review in Mr Clark's absence.

Decision

The Licensing Board agreed to suspend Mr Clark's Personal Licence for a period of 6 months from today's date.

(ii) William Hogg – Musselburgh

The Personal Licence Holder, Mr William Hogg, was present.

The Clerk advised that Mr Hogg was the Bar Manager of the Auld Brig Tavern in Musselburgh that had been the subject of a Review of Premises Licence at the June meeting of the Board.

The Police Inspector outlined his concerns relating to a number of incidents that had taken place at the Auld Brig Tavern while Mr Hogg, the designated premises manager, had been on duty. The Inspector considered that it was the responsibility of the Personal Licence Holder to be more pro-active in challenging situations. He advised that the Auld Brig Tavern now had new tenants and it was established that Mr Hogg was still employed there.

Mr Hogg indicated that he would wish to keep his Personal Licence and explained the circumstances surrounding his actions.

Decision

The Licensing Board agreed to take no further action.

ADDITIONAL ITEM OF BUSINESS (Tabled)

APPLICATION FOR EXTENSION OF LICENSED HOURS

(i) Dolphin Inn, 10 Whitecraig Road, Whitecraig

The Clerk stated that an application had been received from the Dolphin Inn requesting an extension of licensed hours on Saturday 28 July 2012 between 9am and 11am to permit guests to watch the annual rideout which forms part of the Honest Lad and Lass celebrations. She advised that Councillor McNeil had written in support of the application pointing out that it was a private event for invited guests only. She also advised that the Police objected to the grant of this licence.

The Police Inspector confirmed that he did not approve of early opening and that the hours were outside Board Policy.

The Licensing Standard's Officer reported that no problems had been reported at this event last year and he did not object to the grant of this licence.

Decision

The Licensing Board agreed to grant the application.

East Lothian Licensing Board

VARIATION PREMISES LICENCE

- (i) Asda Store – Spott Road, Dunbar
- (ii) Belhaven Fruit Farm – Thistly Cross, Dunbar
- (iii) Bunnys (Formerly Fishermans Kitchen) – 96 High Street, North Berwick
- (iv) Carberry Tower – Whitecraig, Musselburgh
- (v) Co-operative Group Food Ltd. – Main Street, Ormiston
- (vi) Co-operative Group Food Ltd. – 117 High Street, North Berwick
- (vii) Co-operative Group Food Ltd. – 1B Rosebery Place, Gullane
- (viii) Co-operative Group Food Ltd. – Duns Road, Gifford
- (ix) Co-operative Group Food Ltd. – 118-120 High Street, Dunbar
- (x) Co-operative Group Food Ltd. – 53 High Street, East Linton
- (xi) Co-operative Group Food Ltd. – 2B Elcho Road, Longniddry
- (xii) Gardeners Arms – 11 Kilpair Street, Haddington
- (xiii) Longniddry Royal British Legion – Links Road, Longniddry
- (xiv) Wallyford Miners Welfare & Social Club – Salters Road, Wallyford

2(i)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

- (i) Asda Store – Spott Road, Dunbar

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
1	ASDA STORE ASDA STORES LIMITED SPOTT ROAD DUNBAR EAST LOTHIAN EH42 1BF	ASDA STORES C/O GOSSCHALKS SOLICITORS QUEENS GARDENS HULL HU1 3DZ	26 June 2012	To increase the height of existing alcohol display units to 2800mm to enable additional stock to be stored on top of the display unit. Linear measurement for alcohol display - 38.021m Height of alcohol display unit - 2800mm Floor area taken up by alcohol display - 88.7m2
2	BELHAVEN FRUIT FARM THISTLY CROSS DUNBAR EAST LOTHIAN EH42 1RG	DV RENNIE & CO	11 July 2012	To extend current off sales facility to include the cafe and fruit farm shed and external drinking areas.

2(ii)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

- (ii) Belhaven Fruit Farm – Thistly Cross, Dunbar

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
1 ASDA STORE ASDA STORES LIMITED SPOTT ROAD DUNBAR EAST LOTHIAN EH42 1BF	ASDA STORES C/O GOSSCHALKS SOLICITORS QUEENS GARDENS HULL HU1 3DZ	26 June 2012	To increase the height of existing alcohol display units to 2800mm to enable additional stock to be stored on top of the display unit. Linear measurement for alcohol display - 38.021m Height of alcohol display unit - 2800mm Floor area taken up by alcohol display - 88.7m2
2 BELHAVEN FRUIT FARM THISTLY CROSS DUNBAR EAST LOTHIAN EH42 1RG	DV RENNIE & CO	11 July 2012	To extend current off sales facility to include the cafe and fruit farm shed and external drinking areas.

2(iii)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

- (iii) Bunnys (Formerly Fishermans Kitchen) – 96 High Street,
North Berwick

**EAST LOTHIAN LICENSING BOARD MEETING,
30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA**

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
<p>3 BUNNEYS (FORMERLY THE FISHERMANS KITCHEN) 96 HIGH STREET NORTH BERWICK EAST LOTHIAN EH39 4HE</p>	<p>RODERICK JOHN BUNNEY</p>	<p>6 July 2012</p>	<p>To add cafe area within current premises and to offer alcohol for sale/consumption on the premises to cafe tables only. On-sale hours 9am to 7pm Monday to Saturday. 11am to 6pm on Sunday. (previously off-sales only)</p>
<p>4 CARBERRY TOWER 1 CARBERRY TOWER WHITECRAIG MUSSELBURGH EAST LOTHIAN EH21 8PY</p>	<p>CLARENCO LLP C/O LINDSAYS 1 ROYAL BANK PLACE BUCHANAN STREET GLASGOW G1 3AA</p>	<p>11 June 2012</p>	<p>Local Conditions 2& 3 to be removed as no longer relevant. Clarify sales of alcohol to residents & guests. amending terminal hour on sales as follows Monday to Wednesday - 11pm Thursday to Saturday - 01.30am Sunday 12 Midnight Adding external drinking as a permitted activity</p>

2(iv)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

- (iv) Carberry Tower – Whitecraig, Musselburgh

**EAST LOTHIAN LICENSING BOARD MEETING,
30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA**

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
3 BUNNEYS (FORMERLY THE FISHERMANS KITCHEN) 96 HIGH STREET NORTH BERWICK EAST LOTHIAN EH39 4HE	RODERICK JOHN BUNNEY	6 July 2012	To add cafe area within current premises and to offer alcohol for sale/consumption on the premises to cafe tables only. On-sale hours 9am to 7pm Monday to Saturday. 11am to 6pm on Sunday. (previously off-sales only)
4 CARBERRY TOWER 1 CARBERRY TOWER WHITECRAIG MUSSELBURGH EAST LOTHIAN EH21 8PY	CLARENCO LLP C/O LINDSAYS 1 ROYAL BANK PLACE BUCHANAN STREET GLASGOW G1 3AA	11 June 2012	Local Conditions 2& 3 to be removed as no longer relevant. Clarify sales of alcohol to residents & guests. amending terminal hour on sales as follows Monday to Wednesday - 11pm Thursday to Saturday - 01.30am Sunday 12 Midnight Adding external drinking as a permitted activity

2(v)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

(v) Co-operative Group Food Ltd. – Main Street, Ormiston

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
<p>5</p> <p>CO-OPERATIVE GROUP FOOD LTD. CO-OPERATIVE GROUP FOOD LTD. MAIN STREET ORMISTON TRANENT EAST LOTHIAN</p>	<p>CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE</p>	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
<p>6</p> <p>CO-OPERATIVE GROUP FOOD LTD. 117 HIGH STREET NORTH BERWICK EAST LOTHIAN EH39 4HB</p>	<p>CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE</p>	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
<p>7</p> <p>CO-OPERATIVE GROUP FOOD LTD. 1B ROSEBERY PLACE MAIN STREET GULLANE EAST LOTHIAN EH31 2AN</p>	<p>CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE</p>	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.

2(vi)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

(vi) Co-operative Group Food Ltd. – 117 High Street, North Berwick

**EAST LOTHIAN LICENSING BOARD MEETING,
30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA**

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
5 CO-OPERATIVE GROUP FOOD LTD. CO-OPERATIVE GROUP FOOD LTD. MAIN STREET ORMISTON TRANENT EAST LOTHIAN	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
6 CO-OPERATIVE GROUP FOOD LTD. 117 HIGH STREET NORTH BERWICK EAST LOTHIAN EH39 4HB	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
7 CO-OPERATIVE GROUP FOOD LTD. 1B ROSEBERY PLACE MAIN STREET GULLANE EAST LOTHIAN EH31 2AN	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.

2(vii)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

(vii) Co-operative Group Food Ltd. – 1B Rosebery Place, Gullane

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
5 CO-OPERATIVE GROUP FOOD LTD. CO-OPERATIVE GROUP FOOD LTD. MAIN STREET ORMISTON TRANENT EAST LOTHIAN	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
6 CO-OPERATIVE GROUP FOOD LTD. 117 HIGH STREET NORTH BERWICK EAST LOTHIAN EH39 4HB	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
7 CO-OPERATIVE GROUP FOOD LTD. 1B ROSEBERY PLACE MAIN STREET GULLANE EAST LOTHIAN EH31 2AN	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.

2(viii)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

- (vii) Co-operative Group Food Ltd. – Duns Road, Gifford

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
<p>8</p> CO-OPERATIVE GROUP FOOD LTD. CO-OP BUILDING DUNS ROAD GIFFORD HADDINGTON EAST LOTHIAN	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
<p>9</p> CO-OPERATIVE GROUP FOOD LTD. 118-120 HIGH STREET DUNBAR EAST LOTHIAN EH42 1JJ	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand. Recorded music may be played within and outwith core hours.
<p>10</p> CO-OPERATIVE GROUP FOOD LTD. 53 HIGH STREET EAST LINTON EAST LOTHIAN EH40 3BQ	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.

2(ix)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

- (ix) Co-operative Group Food Ltd. – 118-120 High Street, Dunbar

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor, John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
8 CO-OPERATIVE GROUP FOOD LTD. CO-OP BUILDING DUNS ROAD GIFFORD HADDINGTON EAST LOTHIAN	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
9 CO-OPERATIVE GROUP FOOD LTD. 118-120 HIGH STREET DUNBAR EAST LOTHIAN EH42 1JJ	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand. Recorded music may be played within and outwith core hours.
10 CO-OPERATIVE GROUP FOOD LTD. 53 HIGH STREET EAST LINTON EAST LOTHIAN EH40 3BQ	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.

2(x)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

(x) Co-operative Group Food Ltd. – 53 High Street, East Linton

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
8 CO-OPERATIVE GROUP FOOD LTD. CO-OP BUILDING DUNS ROAD GIFFORD HADDINGTON EAST LOTHIAN	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
9 CO-OPERATIVE GROUP FOOD LTD. 118-120 HIGH STREET DUNBAR EAST LOTHIAN EH42 1JJ	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand. Recorded music may be played within and outwith core hours.
10 CO-OPERATIVE GROUP FOOD LTD. 53 HIGH STREET EAST LINTON EAST LOTHIAN EH40 3BQ	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.

2(xi)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

(xi) Co-operative Group Food Ltd. – 2B Elcho Road, Longniddry

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor, John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
11 CO-OPERATIVE GROUP FOOD LTD 2B ELCHO ROAD LONGNIDDRY EAST LOTHIAN EH32 0LB	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
12 GARDENERS ARMS 11 KILPAIR STREET HADDINGTON EAST LOTHIAN EH41 3JQ	GREENE KING RETAILING LTD. C/O THE BELHAVEN GROUP THE BELHAVEN GROUP ATRIUM HOUSE 6 BACK WALK STIRLING	13 June 2012	Change Conditions 6 & 7 to allow outside drinking until 9pm (currently 8pm)
13 LONGNIDDRY ROYAL BRITISH LEGION LINKS ROAD LONGNIDDRY EAST LOTHIAN EH32 0NX	LONGNIDDRY ROYAL BRITISH LEGION	11 July 2012	Outside drinking area. Opening time on a Sunday to be 11am (currently 12.30pm) Terminal our on a Saturday to change to 1am (currently midnight)

2(xii)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

- (xii) Gardeners Arms – 11 Kilpair Street, Haddington

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
11 CO-OPERATIVE GROUP FOOD LTD 2B ELCHO ROAD LONGNIDDRY EAST LOTHIAN EH32 0LB	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
GARDENERS ARMS 11 KILPAIR STREET HADDINGTON EAST LOTHIAN EH41 3JQ	GREENE KING RETAILING LTD. C/O THE BELHAVEN GROUP THE BELHAVEN GROUP ATRIUM HOUSE 6 BACK WALK STIRLING	13 June 2012	Change Conditions 6 & 7 to allow outside drinking until 9pm (currently 8pm)
13 LONGNIDDRY ROYAL BRITISH LEGION LINKS ROAD LONGNIDDRY EAST LOTHIAN EH32 0NX	LONGNIDDRY ROYAL BRITISH LEGION	11 July 2012	Outside drinking area. Opening time on a Sunday to be 11am (currently 12.30pm) Terminal our on a Saturday to change to 1am (currently midnight)

2(xiii)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

(xiii) Longniddry Royal British Legion – Links Road, Longniddry

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
11 CO-OPERATIVE GROUP FOOD LTD 2B ELCHO ROAD LONGNIDDRY EAST LOTHIAN EH32 0LB	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN LICENSING MESSRS. R. & J. M. HILL BROWN & CO 3 NEWTON PLACE	27 June 2012	To commence trading hours at 7am Monday to Sunday for non alcohol related goods. (Currently 8am Monday to Sunday) Subject to customer demand.
12 GARDENERS ARMS 11 KILPAIR STREET HADDINGTON EAST LOTHIAN EH41 3JQ	GREENE KING RETAILING LTD. C/O THE BELHAVEN GROUP THE BELHAVEN GROUP ATRIUM HOUSE 6 BACK WALK STIRLING	13 June 2012	Change Conditions 6 & 7 to allow outside drinking until 9pm (currently 8pm)
13 LONGNIDDRY ROYAL BRITISH LEGION LINKS ROAD LONGNIDDRY EAST LOTHIAN EH32 0NX	LONGNIDDRY ROYAL BRITISH LEGION	11 July 2012	Outside drinking area. Opening time on a Sunday to be 11am (currently 12.30pm) Terminal out on a Saturday to change to 1am (currently midnight)

2(xiv)

East Lothian Licensing Board

VARIATION PREMISES LICENCE

(xiv) Wallyford Miners Welfare & Social Club – Salters Road, Wallyford

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor , John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
(14) WALLYFORD MINERS WELFARE AND SOCIAL CLUB WALLYFORD MINERS WELFARE CLUB 24 SALTERS ROAD WALLYFORD MUSSELBURGH	WALLYFORD MINERS WELFARE AND SOCIAL CLUB	3 July 2012	To change to 'Open Licence'. Terminal core hours on Friday and Saturday to be 1am. (currently terminates at midnight)

East Lothian Licensing Board

FURTHER REPORT

**(requested by Board Members at Review Hearing in
February 2012)**

- (i) The Anchor Bar (Formerly The Clubhouse),
159 North High Street, Musselburgh
(reports from Lothian & Borders Police and Licensing
Standards Officer)

The Clerk to the East Lothian Licensing Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

E/LIC/HB/3705/HB

20th August 2012

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 37
PREMISES LICENCE REVIEW PROPOSAL
THE ANCHOR BAR (formerly the CLUBHOUSE), 159 NORTH HIGH
STREET, MUSSELBURGH**

In relation to the East Lothian Licensing Board review of the current Premises Licence held in respect of the establishment at 159 North High Street, Musselburgh, trading as The Anchor Bar, I would advise that the police have received five calls in relation to the premises since the 6 monthly hearing on 23rd February 2012.

Details of these incidents are given within the attached appendix.

As a result of these hearings, licensing officers from this office have liaised with Richard Ross (previously Designated Premises Manager). Details of these interventions are also included in the appendix to this letter.

As previously stated, in January 2012 an application to transfer the Premises Licence into Linda Watters's name was received and processed by this office, she is also now the new Designated Premises Manager.

Submitted for your information and attention.

Yours faithfully

Inspector
Licensing Section

APPENDIX

THE ANCHOR BAR, 159 NORTH HIGH STREET, MUSSELBURGH

Incident one

At 0100 hours on Sunday 18th March 2012, a call was received from East Lothian Council CCTV reporting that persons were causing a disturbance outside the premises. At 0102 hours police officers attended and dispersed a crowd of males who had fallen out over comments made to each other. One male was arrested for a Breach of the Peace and issued with a Fixed Penalty Ticket. Staff (Paula Cassidy) were spoken to and confirmed that the incident did not take place within the bar. Police officers commented that the staff were 'helpful'.

Phone Call Received

On Monday 19th March 2012, a phone call was received from Ricky Ross regarding the above incident on Saturday night. Mr Ross stated that it occurred outside the kebab shop, opposite the premises and that a female who had left his premises had caused the argument. Mr Ross was keen to establish who the female was in order to barr her from his premises.

Police Intervention

On Wednesday 21st March 2012, licensing officers made contact with Mr Ross in relation to the identity of the female involved in the incident on 18th March. Mr Ross stated that he was aware of the male who had been arrested for a Breach of the Peace by police officers that night and that this male was already barred from his premises.

Incident two

At 2140 hours on Friday 23rd March 2012, a call was received from staff (Linda Watters) reporting that she had ejected a male from the premises, for being drunk and aggressive. This male was loitering about outside and she was concerned that he may become violent. At 2202 hours police officers attended but there was no trace of the male concerned. Police officers commented that the staff were 'helpful'.

Incident three

At 0126 hours on Sunday 1st April 2012, a call was received from staff (Linda Watters) reporting that she had ejected a couple of females who had entered the premises just before closing time. These females were arguing with other females who had been within the premises that night. The member of staff wanted this recorded for police information. No police officers were required to attend on this occasion.

Incident four

At 1950 hours on Friday 15th June 2012, police officers attended at the premises during a routine visit but were unable to gain entry as there were several patrons within (in the officers opinion, 100 – 120, overcrowded). They re attended at 2320 hours and spoke with Mr Ross who confirmed that they were busy but in no way 'overcrowded'. The Police Officers felt that it was necessary to inform the licensing officers of their concerns regarding 'overcrowding' and an ILP (incident in licensed premises) was submitted.

Police Intervention

On Wednesday 20th June 2012, licensing officers spoke with Mr Ross regarding the visit by police on the 15th June. Mr Ross confirmed that he had spoken to police officers that night and that he had checked the CCTV within the premises and estimated that there were 67 patrons within the premises, no where near the 100 – 120 that was reported by the police officers. The capacity of the premises currently is 100 but as a result of the renovations that Mr Ross has done within the premises, could potentially be more should he wish to increase this. Licensing officers felt that there were no concerns regarding overcrowding at this stage.

Incident five

At 2010 hours on Saturday 4th August 2012, a call was received from staff (Linda Watters) reporting that she had ejected a male who was under the influence of alcohol and was initially refusing to leave. This male was now loitering about outside the premises. At 2025 hours police officers attended and traced this male nearby. He was warned and left the area without incident. Police officers commented that the staff were 'helpful and accommodating'.

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EAST LOTHIAN COUNCIL

ENVIRONMENT & TECHNICAL SERVICES ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

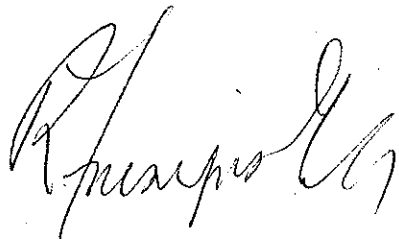
From: Head of Environmental & Consumer Services
per: Rudi Fruzynski, Licensing Standards Officer
ref:

To: Clerk to the Licensing Board
per: K. MacNeill
ref:

Date: 13 August 2012

Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW – THE ANCHOR BAR (FORMERLY THE
CLUBHOUSE), 159 NORTH HIGH STREET, MUSSELBURGH, EAST LOTHIAN
EH21 6AN

On 23rd February, 2012 East Lothian Licensing Board carried out a review of the above premises. At the hearing Board members concluded that there should be a further report prepared detailing the situation with the premises over the following six months. In this respect, I have prepared the attached report, which is submitted for the consideration of Licensing Board Members.



R. Fruzynski
Licensing Standards Officer

East Lothian Council
Licensing
14 AUG 2012
received

Premises Licence Review

**THE ANCHOR BAR
159 NORTH HIGH STREET, MUSSELBURGH**

August 2012

Content

Licensing Standards Officer's Observations - page 3

Environmental Protection and Anti-Social Behaviour Team Observation – page 3

Licensing Standards Officer's Report

The Clubhouse Background Information:

The Clubhouse is located in the middle of North High Street, Musselburgh.

The Premises Licence permits consumption both On and Off the premises. The licensed hours are:

	On Consumption -	Off Sales -
Monday	11:00 – 23:00	11:00 – 22:00
Tuesday	11:00 – 23:00	11:00 – 22:00
Wednesday	11:00 – 23:00	11:00 – 22:00
Thursday	11:00 – 01:00	11:00 – 22:00
Friday	11:00 – 01:00	11:00 – 22:00
Saturday	11:00 – 01:00	11:00 – 22:00
Sunday	11:00 – 24:00	11:00 – 22:00

On Thursdays the terminal has been restricted by management to midnight.

The premises are owned by East Coast Taverns Ltd. The premises licence holder is and designated premises manager is Linda Waters.

The premise is described by management as a traditional public house catering for the local community. It provides a small number of customer facilities in the form of televised boxing, football and horse racing. Background music is catered for in the form of a juke box, which has a sound limiter fitted to it. No discos or other entertainment is catered for on the premises other than the recently introduced Saturday night karaoke.

A private flat is located immediately above the premises. The owners of the pub are currently in negotiation with the occupier to purchase the flat in the near future.

LSO observations:

At the Licensing Board meeting in February 2012, Councillor McNeil expressed the view that he would like to see a clean sheet in respect of the Anchor Bar at the next review meeting. From an LSO's point of view this has been the case. The pub owners, licence holder and her staff have fully co-operated with me and I have received no complaints regarding the running of the premises.

It is confirmed that the mandatory signage and staff training records have been checked and are in order. It was noted that practice of keeping a record of all incidents in a combined Incident/Refusals Book is well used and well kept.

Environmental Protection and Anti-Social Behaviour Team observations:

Mr Finlay Mackay and his team confirm that there have been no noise or ASB complaints received since the last Licensing Board.

Wardens have visited the premises on 6 occasions and witnessed no noise or disturbance during their visits, which were carried out between 20:00 and 00:59 hours, Thursdays to Sundays.

The police will submit their own report on the operation of the premises.

R. Fruzynski
Licensing Standards Officer

East Lothian Licensing Board

REVIEW OF PERSONAL LICENCE

- (i) Douglas Obama Smith
(request by Lothian & Borders Police – report attached)

EAST LOTHIAN LICENSING BOARD MEETING,

30 AUGUST 2012 at 10:00am in The Saltire Rooms, 1st Floor, John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Personal Licence(s)	Premises	Applicant	Date Received	Comments
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15

DOUGLAS OBAMA SMITH C/O WINCKWORTH SHERWOOD MINERVA HOUSE 5 MONTAGUE CLOSE LONDON SE1 9BB	31 July 2012		
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The Clerk to the East Lothian Licensing Board
 East Lothian Council
 John Muir House
 Haddington
 East Lothian
 EH41 3HA

E/LIC/3705/HB

**EAST LOTHIAN COUNCIL
 LICENSING**

3rd August 2012

- 8 AUG 2012

Dear Madam

RECEIVED

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION
 APPLICATION FOR THE GRANT OF A PERSONAL LICENCE
 APPLICANT: Douglas Obama Smith (previously Sutherland), 82 High
 Street, Musselburgh**

I refer to the above application and in terms of section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that the applicant, who is known to the police as **Douglas Thurton**, has been convicted of the following relevant offences.

Date	Court	Crime/Offence	Disposal
16/07/2008	Edinburgh Sheriff Court	Criminal Law (Consolidation) (Scotland) Act 1995 Section 47(1)	Sentence Deferred to 26/11/2008, Community Service Order 150 Hours
05/05/2009	Edinburgh Sheriff & Jury	Breach of the Peace Assault to Severe Injury & Permanent Disfigurement	Sentence Deferred to 01/07/2009 then Imprisonment 10 Months Sentence Deferred to 01/07/2009 then Imprisonment 32 Months

Mark Williams Chief Superintendent

Lothian and Borders Police
 Dalkeith Police Station
 E Division Headquarters
 Newbattle Road, Dalkeith
 Midlothian EH22 3AX

Tel: +44 (0)131 663 2855
 Fax: +44 (0)131 654 5507
 Textphone: +44 (0)131 311 3944
 Email: enquiries@lbp.pnn.police.uk
 Web: www.lbp.police.uk

31/08/2009	Edinburgh Sheriff & Jury	Breach of the Peace	Sentence Deferred to 23/09/2009 the Imprisonment 30 Days
20/10/2009	Edinburgh Sheriff Court	Misuse of Drugs 1971 Section 4(3) (B)	Imprisonment 4 Months
27/04/2010	Edinburgh Court JP	Breach of the Peace	Imprisonment 7 Days

The applicant has a further six relevant convictions which are considered 'spent' under the Rehabilitation of Offenders Act 1974.

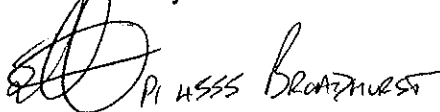
I am unable to confirm the existence of any foreign offence in respect of the applicant.

It is also pertinent to note that the applicant is known to the police under the name Douglas Thurton, he has previously used the surnames Sutherland and Smith.

Thurton did not disclose any convictions on his application form, writing 'none' in the relevant section.

Due to the serious nature of these convictions I respectfully request that under the Preventing Crime and Disorder objective, the application for a personal licence be refused.

Yours faithfully



Inspector

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KEEP SECURE – DO NOT DISCLOSE WITHOUT AUTHORITY