

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

**THURSDAY 30 AUGUST 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

Ms M Ferguson, Depute Clerk

Attending:

Mr D Evans, Senior Environmental and Consumer Services Manager
Mr R Fruzynski, Licensing Standards Officer
Ms D Richardson, Licensing Administration Officer
PC H Bowsher
Insp R Rodriguez

Committee Clerk:

Ms J Totney, Democratic Services Manager

Declarations of Interest:

None

1 MINUTES FOR APPROVAL – 28 JUNE 2012 AND 12 JULY 2012

The minutes of the Licensing Board meetings of 28 June 2012 and 12 July 2012 were approved.

2 VARIATION OF PREMISES LICENCE

(i) Asda Store – Spott Road, Dunbar

The Depute Clerk advised that an application had been received to vary the height of existing alcohol display units to 2800mm to enable additional stock to be stored on top of the display unit and that no objections or comments had been received. No one was present to represent the applicant.

Decision

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

(ii) Belhaven Fruit Farm – Thistly Cross, Dunbar

The Depute Clerk advised that an application had been received to extend the current off sales facility to include the café and fruit farm shed and external drinking areas. She informed members that no objections had been received, that the maximum number of patrons permitted in the premises, including the external drinking area is per the original Premises Licence and that Building Standards have requested a report on the condition of the roof from a competent person. Mr I Rennie and Mr D Farquharson were present to observe proceedings on behalf of Belhaven Fruit Farm. The LSO advised that there have been no issues with previous occasional licences.

Councillor Goodfellow reminded Mr Rennie and Mr Farquharson that occasional licenses would still be required for events where the maximum number of patrons exceeds the number in the Premises Licence.

Decision

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

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

The Depute Clerk advised that an application had been received to add a café area within the current premises and to offer alcohol for consumption on the premises to café tables only, during the hours of 9am – 7pm Monday to Saturday and 11am – 6pm on Sunday. She added that no objections had been received and that no one was present to represent the applicant. The LSO commented that Bunny's is a respected, well-run business.

Decision

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

(iv) Carberry Tower – Whitecraig, Musselburgh

The Depute Clerk advised that this variation sought the removal of local conditions 2 and 3 as these had now been satisfied. It also sought an extension to the terminal hour for on sales to 1.30am on Thursday to Saturday and to add external drinking as a permitted activity. She advised that comments had been received from Lothian and Borders Police and that Building Standards have requested that a standard roof report be produced every two years.

Mr S McGowan of Lindsays was present to represent the applicant and was accompanied by Mr C Ventor, Premises Manager.

Inspector Rodriguez requested that the terminal hour be reduced from 1.30am to 01.00am and that children and young people vacate the bar area at 10.00pm and vacate the restaurant/lounge areas by 11.00pm. He sought clarification regarding the intention for licensing the accommodation blocks and asked that the external licensed area be restricted to the direct route between the main building and the accommodation blocks and not include the car park area.

The LSO stated that his views largely mirror those of the Police. He advised that he had attended meetings at the premises and that he had been made aware of the external areas, which are popular for taking photographs, which would be licensed. He added that the plan for the outside area is extensive and that some dark, highly vegetated areas are a potential concern in relation to patron safety. However, he commented that these premises are well run by competent staff.

Mr McGowan provided some background information about the building and the recent multi-million pound upgrade which has been carried out at the premises and informed the Board that he was happy to agree to the requests from the Police regarding the terminal hour and the access timings for children and young people. Regarding the external areas, he explained that the premises at Carberry Tower are somewhat unique and pointed out that the external grounds are very popular with wedding parties. Mr McGowan then confirmed to Members that his clients would be prepared to reduce the external area to be licensed to more specific areas, adding that the business is a high-end operation and that the accommodation blocks (the Edinburgh Lodges) would not be licensed. He circulated a plan to Members showing the reduced areas.

Inspector Rodriguez indicated that Lothian and Borders Police would be agreeable to the amended external licensed areas subject to the submission of updated plans. Mr McGowan advised that updated plans would be emailed to East Lothian Council by the end of the day.

The LSO confirmed that he was content that the updated proposals from Mr McGowan addressed the concerns about alcohol consumption in the car park area.

Councillors Grant and Innes expressed their support, subject to the agreed revisions of the external drinking areas and Councillor McLennan commented that this application is from a well respected establishment, which he too was happy to support.

Decision

East Lothian Licensing Board agreed to grant the variation to the Premises Licence subject to the submission of revised plans which meet the requirements of Lothian and Borders Police, the LSO and the Clerk .

2 (v) to 2 (xi)

- (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 Echo Road, Longniddry**

East Lothian Licensing Board agreed to consider items 2 (v) to 2 (xi) collectively. The Depute Clerk advised that all these applications sought to amend trading hours for Co-Operative Food stores to commence trading at 7am Monday to Sunday (currently 8am) for non alcohol related goods. There would be no change to the licensed hours for off sales, currently commencing at 10.00am. She advised that no objections had been received and that no one was present to represent Co-operative Group Food Ltd.

Decision

East Lothian Licensing Board agreed to grant the variations to the Premises Licences.

(xii) Gardeners Arms – 11 Kilpair Street, Haddington

The Depute Clerk advised that an application had been received seeking to change conditions 6 and 7 to allow outside drinking until 9pm and that no objections had been received. She informed Members that the current terminal hour of 8pm for outside drinking had been set at a previous meeting of East Lothian Licensing Board following a review of the Premises Licence. No one was present to represent the applicant. The police and the LSO both confirmed that they had no objection to the application.

Decision

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

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

The Depute Clerk advised that an application had been received to create an outdoor drinking area, to amend the opening time on a Sunday from 12.30pm to 11.00am and to amend the terminal hour on a Saturday from midnight to 1.00am. She advised that comments had been received in respect of the outside drinking area as the area is immediately adjacent to a car parking area. No one was present to represent the applicant.

Decision

East Lothian Licensing Board agreed to continue the item and invite the applicant to attend in person on 27 September 2012 to address the comments received.

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

The Depute Clerk advised that an application had been received seeking removal of the club conditions and to amend the terminal hours on Friday and Saturday to be 1.00am She advised that no objections had been received.

Mr C McGlynn was present to observe proceedings on behalf of Wallyford Miners Welfare & Social Club.

Councillor Innes stated that the club is a well-run, valuable community facility.

Decision

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

3 FURTHER REPORT – THE ANCHOR BAR (FORMERLY THE CLUBHOUSE), MUSSELBURGH

The Clerk advised that a further report had been requested by the previous East Lothian Licensing Board at their meeting in February 2012 and that updated reports had been received from Lothian and Borders Police and the LSO, which reports were before Members.

Inspector Rodriguez informed Members that there had been five reported incidents since February 2012 which had all been instigated by employees at the premises who had pro-actively sought Police assistance on each occasion.

The LSO commented that the current Designated Premises Manager and Tenant had remedied the issues raised six months ago and that additional controls are in place to prevent drug use in the toilets.

Councillor McAllister indicated that he was heartened by the positive update and commended the management at the premises for their co-operation with the Police and LSO and requested that a further report be brought to the Board in six month's time; a view shared by Councillor McLennan.

Councillor Innes stressed that the latest report was very positive and that the concerns raised previously had been addressed and it had been proven that changes had been implemented. He therefore requested that no further action be taken; a view shared by Councillor Grant who pointed out that the Board have further powers at its disposal, if required in the future.

In response to Councillor Akhtar, Inspector Rodriguez advised that the Police are content that a further report is not required at this time.

Councillor Goodfellow suggested that the Police and LSO observe the premises on an informal basis over the next six months.

Decision

East Lothian Licensing Board agreed to take no further action.

4 PERSONAL LICENSE APPLICATION – Douglas O Smith

The Depute Clerk advised that this application had been withdrawn.