

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

**THURSDAY 25 OCTOBER 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

Mrs K MacNeill, Corporate Legal Adviser

Attending:

Ms M Ferguson, Corporate Legal Adviser
Mr R Fruzynski, Licensing Standards Officer
Ms D Richardson, Licensing Administration Officer
PC H Bowsher

Committee Clerk:

Ms J Totney, Democratic Services Manager

Declarations of Interest:

None

1 MINUTES FOR APPROVAL – 27 SEPTEMBER 2012

The minutes of the Licensing Board meeting of 27 September 2012 were approved.

2 STATEMENT ON OCCASIONAL EXTENDED HOURS OVER THE FESTIVE PERIOD

PC Bowsher confirmed that there had been no major concerns arising from the extended hours over the 2011/12 festive period.

Councillor Goodfellow advised, that in terms of Section 67 of the Licensing (Scotland) Act 2005, the Board has determined that it is appropriate to grant a general extension of licensed hours for the festive period. This extension would apply from 14 December 2012 until 5 January 2013 inclusive and would allow an extension of the terminal hour for the sale of alcohol during that period until 2am. He stated that this

extension would only apply to on-sales and not to off-sales of alcohol, adding that there would be no general extensions beyond 2am. However, he indicated that any applications for extended hours outwith the general extension would be considered on a case-by-case basis. He pointed out that such applications should be submitted no later than 1 December 2012 and stressed that there is no need for licensees to apply for the general extension to 2am. He added that on-sales premises can utilise these hours to the extent they consider appropriate.

Decision

East Lothian Licensing Board agreed to extend on-sales licensed hours until 2am from the period 14 December 2012 to 5 January 2013 inclusive.

3 REVIEW OF PREMISES LICENCE: NON PAYMENT OF ANNUAL FEES

The Clerk of the Board informed Members that the annual fee for premises licences now remained outstanding only in respect of The Lothian Hotel, 52 High Street, Dunbar, and Prestongrange Bowling & Social Club.

(i) The Lothian Hotel, 52 High Street, Dunbar

The Licensing Standards Officer and Lothian & Borders Police confirmed that they had no comments to make.

(ii) Prestongrange Bowling & Social Club

The Licensing Standards Officer reported that the Club has been experiencing financial difficulties and has been closed for a number of months.

Decision

East Lothian Licensing Board agreed to suspend the premises licences for one month, with immediate effect. The matter would be reviewed at the November 2012 meeting of East Lothian Licensing Board and if the annual fee remains outstanding at that time, the premises licences would in all likelihood be revoked.

4 REVIEW OF PREMISES LICENCE

- (i)** Tesco Stores Ltd – Tantallon road, North Berwick
- (ii)** Tesco Stores Ltd – Newton Port, Haddington
- (iii)** Tesco Stores Ltd – Olive Bank Road, Musselburgh

Mr Macdonald of Macdonald Associates was present to represent Tesco Stores Ltd. Mr Macdonald stated that there is a legal obligation to notify East Lothian Licensing Board of Health & Safety convictions incurred in Cardiff and for the matter to be considered at a meeting of the Board. He assured Members that there would be no repeat of these unfortunate incidents.

Decision

East Lothian Licensing Board agreed to:

- (i)** take no further action in respect of Tesco Stores Ltd.
- (ii)** write to Scottish Ministers to seek a change in the current legislation so that these types of situation are merely notified to the Licensing Board, with the Board having the discretion to make their own decision as to whether or not a hearing is required.

5. Applications for Grant of a Personal Licence

The Sub-Committee considered one application for grant of a licence and this was refused.