

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

**THURSDAY 22 NOVEMBER 2012  
CONFERENCE ROOMS 1/2, JOHN MUIR HOUSE, HADDINGTON**

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**Board Members Present:**

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

**Other Councillors Present:**

Councillor K McLeod

**Clerk of the Licensing Board:**

Mrs M Ferguson, Depute Clerk

**Attending:**

Mr R Fruzynski, Local Licensing Officer  
Insp A Harborow, Lothian & Borders Police  
Ms D Richardson, Licensing Admin Officer

**Declarations of Interest:**

Councillor Innes declared that he is a member of Prestonpans Labour Party - item 2 (iv)

**Committee Clerk:**

Ms J Totney, Democratic Services Manager

**1. MINUTES FOR APPROVAL – 25 OCTOBER 2012**

The minutes of the Licensing Board meeting of 25 October 2012 were agreed to be a true record.

**2. VARIATIONS OF PREMISES LICENCE**

**(i) Brunton Theatre, Ladywell Way, Fisherrow, Musselburgh**

Ms L Smith was present on behalf of the Brunton Theatre and advised that the premises had recently been re-launched following a major refurbishment.

The Clerk advised that an application had been received to extend the licensed areas to include the main hall, bar lounge and supper room and to amend the terminal hours on Thursday, Friday and Saturday to 1am (currently 11pm). In addition, the application seeks to amend the core hours to include a Sunday from 11am to 12 midnight (currently closed) and to increase the capacity from 296 to 1000. The Clerk advised that no objections or comments had been received.

Councillor Goodfellow commented very positively on the recent refurbishment at the Brunton Theatre.

### **Decision**

The Licensing Board agreed to grant the variations in the premises license.

#### **(ii) Former Cross Keys, 26-28 Bridge Street, Musselburgh**

The applicant, Mr Nadeem, and Mr David Coutts, his representative, were both present at the meeting.

The Clerk advised that an application had been received to change the premises from a public house to an off-sales shop. She added that planning permission has been granted for the change of use and informed members that a petition and objections from four members of the public had been received, and that no objections had been received from consultees.

Mr Coutts stated that the objections had been fully considered. He pointed out that Mr Nadeem is already a licence holder at other premises in East Lothian and that Mr Nadeem has a good track record over the past eight years. Mr Coutts stated that Lothian & Borders Police have lodged no objection to this application. As two off-sales shops in the vicinity had recently closed, he commented that he did not consider that there would be over-provision in the area.

Inspector Harborow requested that high quality CCTV be installed, to a standard that satisfies the requirements of the Police Architectural Liaison Officer. Mr Coutts advised that such a system has already been installed.

In response to Councillors Akhtar and Grant, Mr Nadeem advised that he had never failed any test purchases and that his staff possess a good local knowledge of customers.

Councillor Grant acknowledged the objectors' concerns regarding potential anti social behaviour and under-age drinking but confirmed that he was nonetheless confident that the business will be well run. He welcomed the fact that the premises, which were previously a public house and have been lying empty for a number of years, would be re-opened.

Councillor Goodfellow asked that the applicant secures support from the Licensing Standards Officer on his opening day. The members discussed the police's request for installation of CCTV and whether this should be imposed as a Local Condition. However, Councillor Innes indicated that this would in effect be a change of policy and should therefore not be imposed as a condition.

### **Decision**

The Licensing Board agreed to grant the variation to the premises licence.

**(iii) Gifford Bowling and Sports Club**

No one was present from Gifford Bowling and Sports Club.

The Clerk advised that an application had been received to: build an additional clubroom onto the premises; allow children's access; create an outdoor drinking area around the bowling green within a fenced area; and increased the capacity from 80 to 100. She informed Members that Lothian and Borders Police had requested that conditions be imposed in respect of monitoring activity in the fenced area, a terminal hour for the outside area of 10.00pm due to its proximity to residential properties, the use of plastic containers in the outside area and that the terminal hour be set at 10pm for children and young people unless they are attending a private function and are accompanied by a responsible parent. The Clerk indicated that the applicant has been made aware of the Police comments and that no response has been received.

The Licensing Standards Officer commented that there is no history of complaints from residents and that the premises are well run. He was of the view that plastic containers were not required but that the matter could be reviewed if any problems are reported.

Councillor Innes supported the premises expansion and considered this a positive move in terms of attracting young people to bowling. Although he understood the Police comments he was of the view that it was not necessary to impose all the conditions that they had listed.

**Decision**

The Licensing Board agreed to grant the variations in the premises licence subject to a terminal hour of 10pm for use of the outside area and for children and young people unless they are attending a private function and are accompanied by a responsible parent.

**(iv) Prestonpans Labour Party Club**

The Clerk advised that an application had been received to change the licence to an 'open' licence. She added that no objections had been received and that the Police are seeking a terminal hour of 10pm for children and young people unless they are attending a function.

**Decision**

The Licensing Board agreed to grant the variation in the premises license subject to a terminal hour of 10pm for children and young people unless they are attending a private function.

**(v) Co-operative Food Group, 48-52 Dunbar Road, North Berwick**

Mr A Macdonald was present to represent the Co-operative Food Group.

The Clerk advised that an application had been received seeking to vary the operating plan to include the sale of food, non-food and other household goods and the provision of ancillary services within opening hours; where the normal shop opening hours are Monday to Sunday 7am to 10pm subject to customer demand.

She informed the Board that no objections had been received and that there is no change to the hours during which alcohol would be sold.

Mr Macdonald indicated that the Co-operative Food Group has made similar applications for stores in other locations.

**Decision**

The Licensing Board agreed to grant the variation in the premises licence.

**3. REVIEW OF PREMISES LICENCE**

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

The Clerk advised that the annual fee had not yet been received and that the premises remain closed.

Councillor McLennan commented that the premises are not expected to re-open in the foreseeable future.

**Decision**

The Licensing Board agreed to revoke the premises licence.

**(ii) Prestongrange Bowling & Social Club**

The Clerk advised that the annual fee had now been paid.

**Decision**

The Licensing Board agreed that suspension of the premises licence should now be lifted.