

MINUTES OF THE MEETING OF EAST LoTHIAN LICENSING BOARD

**THURSDAY 24 JANUARY 2013
SALTIRE ROOMS, JOHN MUIR HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

Mrs K MacNeill

Attending:

Mr R Fruzynski, Local Licensing Officer
Mr J Murdoch, Building Standards Manager
Insp A Harborow, Lothian & Borders Police
PC H Bowsher
Ms D Richardson, Licensing Admin Officer

Apologies:

Councillor F McAllister

Committee Clerk:

Ms J Totney, Democratic Services Manager

1. MINUTES FOR APPROVAL – 22 NOVEMBER 2012

The minutes of the Licensing Board meeting of 22 November 2012 were agreed to be a true record.

2. GRANT OF PROVISIONAL PREMISES LICENSE

(i) Archerfield Alehouse & Gardens, Walled Garden, Dirleton

Laura Gilbert was present to represent the applicant and was accompanied by Ken Buchanan, Premises Manager.

The Clerk advised that following discussions, there have been a number of amendments to the application and that there are no longer any objections to the proposals. She added that local conditions had been added in respect of the erection of a marquee on a temporary basis.

Ms Gilbert outlined the plans for the development of the walled garden site which included a restaurant area, micro-brewery and a small delicatessen selling local produce. She confirmed that she was fully aware of the need to secure planning permission on every occasion that the marquee is erected and indicated that it is anticipated that this would only be three or four times a year.

Insp Harborow requested that the terminal hour on Monday to Wednesday be set at 2300 hours (and not 2400 hours as had been applied for) and that children aged 15 years and younger only remain on the premises beyond 2200 hours if they are accompanied by a responsible parent or guardian. Young persons aged 16-17 could remain for the duration at the discretion of the management.

Ms Gilbert requested that after 2200 hours, children 15 years of age and under be accompanied by a responsible adult, who might not necessarily be the parent or guardian.

Decision

The Licensing Board agreed to grant the Provisional Premises Licence subject to a terminal hour of 2300 hours on Monday to Wednesday and children 15 years of age and under be accompanied by a responsible parent/adult after 2200 hours.

The Convenor pointed out that a Full Premises Licence is required before any trading takes place.

3. VARIATIONS OF PREMISES LICENCE

(i) Gurka Bar & Bistro (formerly Liquid Room), 96 North High Street, Musselburgh

Mr Macdonald of Macdonald Licensing was present to represent the applicant. The Clerk advised that there are no objections and advised that an application had been received to add restaurant facilities and outdoor drinking and remove gaming, indoor/outdoor sports and TV. She further advised that the application sought to add takeaways and deliveries and to permit unaccompanied young persons and children less than five years of age.

Mr Macdonald commented that the premises had been vacant for some time and had recently re-opened. He referred to the outstanding technical issues and confirmed that, as requested by the Council's Environmental Services, a sink would be installed within the next three months. He informed members that his clients would be making the necessary application regarding planning permission for the outside area, adding that this did not appear to be a requirement when the premises were previously in use.

The Clerk confirmed that the Board planning would be dealt with separately from the application for a licence. The Board accepted Insp Harborow's request that the terminal hour for the outside area be 2200 hours due to the proximity to residential properties. Mr Murdoch informed members that issues regarding the escape route had been satisfactorily resolved following widening of the vennel.

Decision

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

(ii) Fisherrow Bar & Bistro (formerly Restaurant 102), 102 New Street, Musselburgh

Mr Macdonald was present to represent the application. Mr Paul Williams and Mr Robert Law (partners in the business) were also in attendance.

The Clerk advised that the application sought to add bar meals, gaming, indoor/outdoor sport, televised sport and dance facilities. It was also requested that children be permitted to remain in the lounge after 8pm when attending a private function. She also outlined the seasonal variations and new premises layout and advised that four public objections had been received, although none of the objectors were present at the meeting.

Mr Macdonald indicated that the premises, which opened four months ago, are now more food-orientated and outlined the recent changes and current use of the internal space. He acknowledged that there is an outstanding issue regarding a Building Warrant for internal works carried out by the previous owner and committed to work with Building Standards to get this rectified as quickly as possible. Regarding the public objections, Mr Macdonald stated that Mr Williams and Mr Law took the concerns of neighbours very seriously and would continue to operate responsibly. He volunteered that the partners had provided their mobile numbers so that residents could contact them directly if any concerns arose.

Insp Harborow advised that there had been no complaints about the premises and the Licensing Standards Officer confirmed that the premises are well run and that he has had considerable liaison with the new owners. He indicated that the objections appear to be historic in nature when the premises were operating as a public house a number of years ago.

Councillor Innes remarked that he can understand the objectors' cause for concern based on their previous experience of the premises, but noted that the premises are now very well run. He stressed the importance of sustaining excellent relationships with neighbours and indicated that the Board would take a serious view of any complaints received.

Decision

The Licensing Board agreed to grant the variation to the premises licence and noted that the building warrant would be obtained.

4. FURTHER UPDATE - REVIEW OF PREMISES LICENCE

(i) Macmerry Miners Welfare & Social Club, 13a Main Street, Macmerry

Mr Robert Nisbet and Mrs Ruth Nisbet (Secretary) were present to represent the club.

The Clerk reminded members that a review of the premises licence had been carried out in July 2012 and that part of the review process called for an update after six months. She also reminded members that during the last six months the club had been granted an open licence.

Mr Nisbet advised that a number of small issues had been addressed and that the bar/lounge area is for members' use only and that all guests' details are recorded.

Insp Harborow referred to an incident at the premises in November 2012 and commended the club for fully co-operating with the Police. The Licensing Standards Officer indicated that liaison had been ongoing during the last six months and there had been no complaints regarding the premises. He added that the club is a well used community facility.

Councillor Grant commented on the positive progress within the last six months and Councillor Goodfellow reminded Mr and Mrs Nisbet to pre-notify the Licensing Standards Officer about any 18th and 21st birthday parties.

Decision

The Licensing Board agreed to note the review.

5. APPLICATION FOR EXTENSION OF LICENSED HOURS

The Volunteer Arms (Staggs), 81 North High Street, Musselburgh

Mr Nigel Finlay (partner) was present to represent the Volunteer Arms.

The Clerk advised that an application had been received to increase the licensed hours from 0000 hours to 0400 hours on 4 February 2013 in respect of the Superbowl.

Mr Findlay stated that he had been approached by a number of customers requesting to watch the Superbowl on the large screen in the premises.

Insp Harborow commented that the premises are well established and well run, a view shared by the Licensing Standards Officer (LSO). The LSO added that he had never received complaints about the premises and, that although this application was outwith policy, he would support the request, especially given that Mr Finlay would be present personally during the event and would ensure the orderly and quiet dispersal of patrons when the premises closed.

Councillor Innes was minded to demonstrate a flexible approach and commented that in this case, the premises had a history of respecting their neighbours and commanded the support of the Police and the LSO. While supporting the application, he stressed that this was not tantamount to setting a precedent as every application is assessed on its own merits.

In response to Councillor Goodfellow, Mr Finlay advised that tickets would be issued to around 20/30 people and that the premises would close to other patrons at 2330 hours.

Decision

The Licensing Board agreed to grant the extension of licensed hours.

6. NOTIFICATION OF RELEVANT OR FOREIGN CONVICTIONS

- (i) Martin McColl Ltd, c/o DWF, LLP, 5 St Paul's Square, Old Hall Street, Liverpool**

The Clerk advised that Martin McColl Ltd has been the subject of a standard Health & Safety conviction at West Hampshire and accordingly was required to notify East Lothian Licensing Board. She added that the nature of the offence and fines had been disclosed.

Decision

The Licensing Board agreed to note the conviction.

7. REPORT ON GAMBLING ACT 2005 – DRAFT STATEMENT OF PRINCIPLES 2013 – 2016

The Clerk sought the Board's authority to commence a consultation exercise on the draft Statement of Principles and to thereafter present a final draft to the East Lothian Licensing Board.

Decision

The Licensing Board authorised the Clerk commence a consultation exercise.