

MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**THURSDAY 23 MAY 2013
SALTIRE ROOMS, JOHN MUIR HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

Mrs M Ferguson

Attending:

Mr R Fruzynski, Licensing Standards Officer
Mr F Mackay, Environmental Protection Manager
Mr A Douglas, Senior Environmental Health Officer
Mr F Fairgrieve, Principal Building Standards Surveyor
Insp R Rodriguez, Lothian & Borders Police
PC H Bowsher, Lothian & Borders Police
Ms D Richardson, Licensing Admin Officer

Committee Clerk:

Ms J Totney, Democratic Services Manager

Apologies:

Councillor P McLennan

1. MINUTES FOR APPROVAL – 25 APRIL 2013

The minutes of the Licensing Board meeting of 25 April 2013 were agreed to be a true record.

2. APPROVAL OF DRAFT LICENSING POLICY STATEMENT

The Clerk advised that there is a statutory obligation to review the Licensing Policy Statement every three years. She indicated that the draft would be made available for consultation over the summer and would be finalised in September or October 2013. She drew the Board's attention to the requirement to make an overprovision statement and pointed out that this is not yet included in the draft policy which has been circulated to Board members but will be agreed by Board members prior to the draft being issued for consultation.

Decision

The Licensing Board agreed to approve the draft Licensing Policy Statement for consultation subject to the Clerk and Board members agreeing the overprovision statement in the next week or so.

3. OCCASIONAL LICENCE

(i) Victoria Harbour, Dunbar

The applicant, Ms Susan Kyle, was present and was accompanied by Kenny Peters, one of the event organisers.

The Clerk stated that the application is in relation to an event on 20 July 2013, during for the hours of 11am – 6pm, in respect of stalls, small children's fun fair, music and bands. 1500 people are expected to attend the event which will include the crowning of the Lifeboat Queen. The Board was asked to note that children are permitted to attend the event between 12 noon and 6pm.

The Clerk advised that the Police had asked that a number of conditions be attached and that in particular, the licensed area is reduced to a manageable licensed area.

Insp Rodriguez explained that the Police are requesting that there is clear delineation of the licensed area; the event is stewarded; that access to alcohol stalls is restricted to persons aged 18 years and over; that no children or young persons be permitted within 1.5 m of the servery; appropriate signage is clearly displayed; and that plastic glasses are used.

The Licensing Standards Officer informed the Board that the event had taken place previously in the same format as the one being applied for. He added that this is a family event which is well stewarded and stressed that the water safety angle is fully covered. As he had experienced no problems in the past, he indicated that he had no objections to the application in its current format.

Ms Kyle advised that restrictions on the licensed area had been applied to the event in 2012 and had resulted in bottle-necks. She stressed that the event is well stewarded and that the two entry/exit gates are permanently manned, and added that the required signage and plastic glasses have already been organised. She pointed out that she is the Personal Licence Holder and would be serving in the bar at the event.

Kenny Peters reiterated that this would be a family event and that the restrictions would discourage people from moving freely amongst the stalls and attractions. He added that the delineation in 2012 had in fact made it difficult to marshal the event. He pointed out that this is the largest fund raising activity of the year for the Royal National Lifeboat Institution at Dunbar and that it typically raises in excess of £15,000.

In response to Councillors Goodfellow and McAllister, Ms Kyle confirmed that she would be agreeable to the conditions requested by the Police with the exception of the restriction of the licensed area. She advised that there would be eight stewards at the event. She also anticipated that two Police Officers would be present.

The Clerk advised Councillor Akhtar that an event covered by an Occasional Licence is exempt from the Bye-Laws prohibiting consumption of alcohol in public places.

Councillor Innes remarked that this is a significant money raising event for this service which makes an important contribution to the vital emergency services. While he acknowledged the points raised by the Police, he urged that previous experience be taken into account and that the event go ahead without any restriction being imposed on the area that would be licensed.

Councillor Goodfellow remarked that if there are any problems this year, then the situation could be reviewed for any future events.

Decision

The Licensing Board agreed to grant the occasional licence for the area requested by the applicant but subject to the conditions requested by the Police in their letter of 10 April 2013 (items 2-5) in respect of age restrictions, restrictions within 1.5m of the servery, appropriate signage, the use of plastic drinking containers and the requirement to comply with all reasonable requests made by the Police.

4. EXTENSION OF LICENSED HOURS

- (i) The Ship Inn – 184 North High Street, Musselburgh**
- (ii) The Brig Inn – Bridge Street, Tranent**

The Clerk advised that both applications had been received from Caledonian Heritable Ltd and suggested that the Board consider these applications together.

Mr R Arnott, Director, Caledonian Heritable Ltd, was present.

The Clerk advised that an extension to licensed hours was being sought for both premises from 10.00am to 11.00am to allow patrons to meet at the premises prior the bus collection in respect of the Scottish Cup Final between Hibs and Celtic on 26 May 2013.

The Clerk informed the Board that the licensed hours at both premises are currently from 11am, despite the form for the Ship Inn indicating otherwise.

Insp Rodriguez outlined the Police objections. He acknowledged that the applications are within licensing criteria for extended hours but expressed concerns that earlier opening will result in pre-loading ahead of the football match, increased levels of alcohol consumption by supporters who are remaining in East Lothian and greater levels of public disturbance.

The Licensing Standards Officer stated that he had no objections to the applications.

Mr Arnott referred to his letter dated 16 May 2013 and advised that the extension to hours is primarily to provide a meeting facility for supporters. He added that the rendezvous facilities will be family orientated and that breakfasts will be available.

Councillor Innes commented that the Scottish Cup Final is a special event and acknowledged that it would be part of the overall day for supporters to meet up prior to bus collection. He referred to the flexibility that the Board has shown previously for extensions to hours for special events and claimed that any anti social behaviour on Cup Final day would not solely be the result of an extension of one hour.

However, Councillor Grant expressed reservations about granting an extension to the licensing hours as he was not keen to support early morning drinking. Councillors McAllister, Akhtar and Goodfellow also expressed concerns in relation to pre-loading, exposing children to alcohol and the potential for anti-social behaviour and disturbances.

Councillor Innes argued that alcohol would be provided in a controlled environment and moved to support the application.

Votes for: 1
Votes against: 4

In response to Mr Arnott, the Clerk advised that he should contact the Licensing Office to establish if the operating plans allow for the premises to open for an additional hour without the sale of alcohol.

Decision

The Licensing Board agreed to refuse the applications for occasional extensions to licensing hours.

5. PROVISIONAL PREMISES LICENCE

(i) Renaissance New Golf Club – Cowden Hill Drive, Dirlton

No one was present to represent the applicant.

The Clerk advised that no public objections had been received. The Police and the Licensing Standards Office stated that they had no objections to the application.

Decision

The Licensing Board agreed to grant the provisional premises licence.

6. VARIATION OF PREMISES LICENCE

(i) The Crown & Kitchen – 25-27 Bridge Street, East Linton

The applicant, Mr William Robertson Jnr, was present and was represented by Mr Macdonald of Macdonald Licensing.

The Clerk advised that this application has been continued from the April meeting of the Licensing Board as a number of matters were still outstanding relating to lay out plans; concerns from Building Standards regarding the split of the premises and the escape routes from the outside beer garden. She advised that updated plans had been circulated to Board members and consultees this morning and asked Officers to confirm if they were happy with the amended plans. She informed the Board that Building Standards have requested that the premises are not opened to the public until a completion certificate has been accepted and indicated that the applicant is willing to give this undertaking.

Mr Fairgrieve, Principal Building Standards Surveyor, confirmed that Building Standards now have no objection in principle to this application.

Mr A Douglas, Senior Environmental Health Officer, confirmed that there are no outstanding concerns from a Health & Safety perspective.

Mr F Mackay, Environmental Protection Manager, pointed out that residential properties overlook the beer garden and requested that the terminal hour for the beer garden is restricted and that no amplified music or speech be permitted in the beer garden at any time.

Mr Macdonald advised that his client accepted the position regarding the premises not opening to the public until the completion certificate is accepted and would be agreeable to a terminal hour of 10pm for the use of the beer garden and the restriction on amplified speech and music. Mr Mackay confirmed that this would be acceptable to the Council.

Decision

The Licensing Board agreed to grant the variation to the premises licence, subject to the conditions set out above.