

MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**THURSDAY 22 MAY 2014
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

Mrs M Ferguson (Depute Clerk of the Licensing Board)

Attending:

Mr R Fruzynski, Licensing Standards Officer
Ms C Molloy, Senior Solicitor
Ms D Richardson Licensing Admin Officer
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Democratic Services Manager

Apologies:

Councillor S Currie

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – 24 APRIL 2014

The minutes of the Licensing Board meeting of 24 April 2014 were agreed to be a true record.

2. MAJOR VARIATION OF PREMISES LICENCE

(i) Herringbone (formerly The Quarterdeck) – 1-3 Westgate, North Berwick

The applicant, Ms Valerie Naylor, was present and was accompanied by Mr Martin Naylor and Mr Ashley Bairstow (Premises Manager).

The Clerk advised that the application is a major licence variation which seeks to extend access for children until 10pm; amend Sunday opening times from 12.30pm to 11am; allow restaurant facilities; allow receptions; offer food from 9am; and

remove a partition wall at the gents' toilets. She pointed out that the application seeks that 'Children will be permitted access proving they are under the supervision of an adult'. Police Scotland have requested that this also applies to 'young people' and advised that the applicant is agreeable to this amendment. North Berwick Community Council has objected to the terminal hour of 1.00am on a Thursday night/Friday morning on the basis that this is outwith the Board's policy hours but the Clerk clarified that the terminal hour is in line with Board Policy. No objectors were present.

Mr Naylor informed the Board that the application seeks to reconfigure the premises to enable it to operate as a family-friendly, food-led business.

The Licensing Standards Officer advised that he supported the application.

Councillor Innes stated that there is an existing licence for these premises and that the proposed venture sits well with the licensing objectives.

Decision

East Lothian Licensing Board agreed to grant the variation to the premises licence.

(ii) Signals Bistro, No 12 Quality Street, North Berwick

The applicant, Mr Sean McCashey was present.

The Clerk advised that the application is a major licence variation which seeks to move the existing bar to tea room; re-position the ladies' toilets to create space for bar/server; serve bar meals during licensed hours; enable residents to consume alcohol in their room; add live performances (not regular – eg a Piper at New Year if there is an event); allow breakfast TV; allow off-sales; and reduce the capacity from 115 to 85. There are no objections from Police Scotland. North Berwick Community Council has objected to the terminal hour of 1.00am on a Thursday night/Friday morning on the basis that this is outwith the Board's policy hours but the Clerk clarified that the terminal hour is in line with Board Policy. No objectors were present.

Mr McCashey provided the Board with brief background information regarding the proposed changes.

The Licensing Standards Officer advised that he supported the application.

Decision

East Lothian Licensing Board agreed to grant the variation to the premises licence.

3. REPEATED OCCASIONAL LICENCE APPLICATIONS

Pinkie Farm Shop, Unit 1A, Moray Way, Musselburgh

Mr Colin Smith, applicant was present.

The Clerk advised that, under Licensing Board policy, there is a presumption against granting repeated occasional licenses for the same premises. She explained that Pinkie Farm Shop has new premises ready for occupation and that a provisional licence has been granted. However, the provisional licence cannot come into

operation until the Council's Building Standards Department grant a Section 50 certificate.

Mr Smith informed the Board that the Section 50 certificate had now been agreed by Building Standards. However, as it has not yet been issued, occasional licences are being requested.

There were no objections from Police Scotland.

The Licensing Standards Officer supported the application.

Councillor Innes stated that he would be happy to support the applications given the circumstances and that Pinkie Farm Shop was a valuable facility to the community in that part of Musselburgh.

Councillor Grant concurred that there were sufficient grounds to make an exception to the normal presumption and grant the applications.

Decision

East Lothian Licensing Board agreed to grant the occasional licences.

4. THE ROYAL ENVIRONMENTAL HEALTH INSTITUTE OF SCOTLAND THE USE OF E-CIGARETTES ON LICENSED PREMISES

The Clerk referred to the letter from the Royal Environmental Health Institute of Scotland, date 27 March 2014. The letter requests that the Licensing Board considers imposing a ban on the use of e-cigarettes in licensed premises.

Councillor Innes stated that he did not have enough information to give an informed opinion. He added that there would be a lot of public interest in the matter.

The Chair enquired as to whether or not the Board could actually impose such a ban.

The Clerk indicated that a decision to prohibit the use of e-cigarettes would likely be a national Government view which would be legislated for under the Smoking legislation. In her view, the Board do not have sufficient evidence to impose a ban, and to do so, could result in falling foul of legislation. She commented that, at present, decisions as to whether or not to ban the use of e-cigarettes is a matter for licensees to address in respect of their particular premises.

In response to Councillor McAllister, the Clerk advised that there is currently no legislation in respect of e-cigarettes but that enquiries could be made to find out if this is under consideration.

Decision

East Lothian Licensing Board agreed to respond to the Royal Environmental Health Institute of Scotland (REHIS) in the terms of the advice received from the Clerk and to seek further information from REHIS in respect of the 'lengthy and well-informed discussion', referred to in the letter dated 27 March 2014.