

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

**THURSDAY 23 OCTOBER 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Board Members Present:**

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

**Clerk of the Licensing Board:**

Mrs K MacNeill (Clerk of the Licensing Board)

**Attending:**

Mr R Fruzynski, Licensing Standards Officer (LSO)  
Ms C Molloy, Senior Solicitor  
PC H Bowsher, Police Scotland

**Committee Clerk:**

Ms J Totney, Team Manager - Democratic Services

**Apologies:**

Councillor W Innes

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – 28 August 2014**

The minutes of the Licensing Board meeting of 25 September 2014 were agreed to be a true record.

**2. STATEMENT OF EXTENSION OF FESTIVE HOURS**

Councillor Goodfellow, Chair of the Licensing Board, read out the following statement of extension of festive hours.

“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 will apply from 12<sup>th</sup> December 2014 until 4<sup>th</sup> January 2015 inclusive and will allow an extension of the terminal hour for the sale of alcohol during that period until 2am. This extension will only apply to on-sales and not to off-

sales of alcohol. There will be no general extension beyond this although any application for extended hours outwith the general extension will be considered on a case-by-case basis. It should be noted that such applications will require to be submitted no later than 1<sup>st</sup> December 2014. There is no need for licensees to apply for the general extension to 2am. On sales premises can utilise these hours to the extent they consider appropriate.”

### **3. VARIATIONS OF PREMISES LICENCE**

#### **(i) Pan Convenience Store, 5 Hawthorn road, Prestonpans**

This application has been continued from the September 2014 meeting of the East Lothian Licensing Board.

Mr A MacDonald of MacDonald Licensing was present to represent the applicant. Mr Younis, premises licence holder, was also present.

The Clerk informed the Board that the application seeks a variation to the terminal core hours – Monday to Sunday: 10pm (previously 8pm); a variation to opening hours on a Sunday to 10am (was 12.30pm); and minor changes to shelving.

Mr MacDonald outlined the reasons for the requested variations and provided background information about the business. However, he contested that the increased hours do not fall within the overprovision policy. Following a short debate on the matter, the Clerk stressed that it is important to evidence that the application is not contrary to licensing objectives.

The Licensing Standards Officer (LSO) advised that he has no objection to the application. PC Bowsher referred the Board to the Police Scotland report dated 6 June 2014.

There was a short discussion regarding alcohol test purchases and agency purchases in the Prestonpans area.

Councillor Currie commented that there would be real value if the reports from Police Scotland make it very clear as to whether or not Police Scotland objects to an application.

Councillor Trotter remarked that it is important that the applicant works closely with the police and Councillor Grant commented on the favourable comments from the LSO and the lack of objections from Police Scotland. They were both minded to support the application. However, Councillor McAllister expressed concerns about the number of additional hours being sought and was inclined not to support the application. Taking all of the facts into account, Councillor Currie indicated that, on balance, he would support the application; a view shared by Councillor Akhtar.

#### **Decision**

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

#### **4. PERSONAL LICENCE REVIEW**

##### **(i) Phillipa Isobel Whaley**

The Clerk advised that an application to review the personal licence had been received from Police Scotland who were recommending that the licence be revoked.

The licence holder was not present.

The Clerk referred Board members to the letter from Ms Whaley contained in their meeting papers.

##### **Decision**

East Lothian Licensing Board agreed to revoke the personal licence.

#### **5. REQUEST FOR REVIEWS OF PREMISES LICENCES**

The Clerk presented a report seeking the Board's agreement to instigate review proceedings in respect of premises licences where the annual fee for 2014/15 (due by 1 October 2014) remains unpaid, that being a breach of the mandatory conditions attached to these premises licences. She referred to the list of non-payers and provided details on the premises which have recently paid. She also informed members about the extra efforts that had been made this year to ingather the annual fees.

The LSO provided brief background information on the considerable work he had carried out to chase up unpaid fees; commenting that there is no statutory penalty for late payment.

Councillor Currie commented on the lack of regard being shown by many premises with regard to the legislation. He was also unhappy about the time and money being spent chasing up outstanding fees.

Councillor Goodfellow advised that the annual fees are there to cover costs and that there is considerable additional time and administration required when fees are not paid on time.

##### **Decision**

East Lothian Licensing Board agreed:

- To hold a review hearing in respect of the premises licences listed appendix 1 to the report on the basis that the annual fees for 2014/15 have not been paid and this constitutes a breach of mandatory condition number 10 and is a ground for review hearings, at the Board's initiative in terms of section 37 of the Licensing (Scotland) Act 2005.
- Not to cancel review hearings in respect of those premises who pay the annual fee prior to the date of the said hearing

#### **6. RECORDS MANAGEMENT**

The Clerk presented a report advising the Board that it is to adopt the East Lothian Council Records Management Plan in accordance with the requirements of the Public Records (Scotland) Act 2011. She advised that this is a five year records

management plan and is due to be submitted to the meeting of East Lothian Council later this month for approval.

**Decision:**

East Lothian Licensing Board agreed to note the report.