

MINUTES OF THE MEETING OF EAST LoTHIAN LICENSING BOARD

**THURSDAY 23 APRIL 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

Mrs K MacNeill (Clerk of the Licensing Board)

Attending:

Mrs M Ferguson, Service Manager, Legal and Procurement
Mr R Fruzynski, Licensing Standards Officer (LSO)
Ms D Elworthy, Licensing Officer
Ms G Herkes, Licensing Office
Insp A Harborow, Police Scotland
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager - Democratic Services

Apologies:

None

Declarations of Interest:

None

Councillor Goodfellow opened the meeting and welcomed members of East Lothian Licensing Forum who were present.

1. MINUTES FOR APPROVAL – 26 February 2015

The minutes of the East Lothian Licensing Board meeting of 26 February 2015 were agreed to be a true record.

Councillor Goodfellow informed the Board that there is a matter arising from the minutes in respect of the extended hours statement for the Scottish Golf Open 2015.

He read out the following statement which is in addition to the statement he gave at the February meeting.

“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 Scottish Golf Open Championship 2015. This extension will apply from Monday 6 July to Wednesday 8 July 2015 inclusive and will allow an extension of the terminal hours for the sale of alcohol until 1am. This extension will only apply to on-sales and not to off-sales of alcohol. There will be no general extensions beyond this although any applications 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 Monday 1 June 2015. There is no need for licensees to apply for the general extension to 1am. On sales premises can utilise these hours to the extent they consider appropriate.”

1. VARIATIONS OF PREMISES LICENCE

(i) West Barns and District Bowling Club, Edinburgh Road, West Barns, Dunbar

No one was present to represent the applicant.

The Clerk informed the Board that the application seeks to amend the licence to an ‘open club’ licence; to extend the function room to increase capacity from 60 to 90 persons; and to add a premises manager. She referred members to the comments from Police Scotland in their letter dated 16 March 2015 and advised that the applicant is agreeable to the licence being granted subject to the suggestions made by Police Scotland.

Decision

East Lothian Licensing Board agreed to grant the variation of premises licence subject to Saturday and Sunday on sales of alcohol commencing at 11am; a terminal hour of 22.00 hours for the outside licensed area; and children and young persons only permitted on the premises until 21.00 hours unless they are attending a private function and are suitably supervised by parents or guardians.

(ii) Asda, 151-157 High Street, Tranent

Ms C Johnson, Gosschalks Solicitors, was present to represent the applicant. Mr J Clark, Store Manager, was also present.

The Clerk informed the Board that this application seeks to vary the opening times of the store from 8am – 10pm to 6am – 11pm and to advise that the store operates a Challenge 25 scheme.

Decision

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

2. PREMISES LICENCE REVIEW – Elphinstone Arms, Main Street, Elphinstone.

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Mrs M Dodd, Premises Manager, was also present.

The Clerk advised that at the meeting of East Lothian Licensing Board in February 2015, Police Scotland had requested that the premises licence be reviewed. She referred to the Board papers for this item and mentioned that reports had now been received from the Licensing Standards Officer; East Lothian Council Building Standards; and the Fire Service.

Councillor Goodfellow advised Mr Macdonald that Board members expect the future management of the premises to be addressed in the presentation to the Board today.

Mr Macdonald informed the Board that he had only been sent the letter from Police Scotland and that he had not known to expect reports from the other parties. He added that his client had received none of the reports. However, the Clerk asserted that copies of all the reports had been emailed to Mr Macdonald.

Councillor Goodfellow suggested a ten minute adjournment for Mr Macdonald to familiarise himself with all the reports. However, Mr Macdonald stated that this suggestion, and the fact that he had not received hard copies of all the documents, was not a satisfactory situation.

In the circumstances Councillor Innes formally proposed that the meeting be adjourned to another date to allow Mr Macdonald to represent his client to the best of his ability.

Insp Harborow advised that Police Scotland has no object to adjourning the item to a future date if there is an assurance that the premises will not re-open before the matter comes back before the Board.

Councillor Currie supported an adjournment and Councillor Innes' proposal was formally seconded by Councillor Grant.

Mrs Dodds assured Board members that the premises would not re-open before the meeting of East Lothian Licensing Board on 28 May 2015.

Decision

East Lothian Licensing Board agreed to adjourn the meeting and to continue the premises licence review of Elphinstone Arms to the meeting on 28 May 2015.