

MINUTES OF THE MEETING OF EAST LoTHIAN LICENSING BOARD

**THURSDAY 25 JUNE 2015
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor S Akhtar
Councillor S Currie
Councillor D Grant
Councillor W Innes
Councillor F McAllister

Clerk of the Licensing Board:

Mrs M Ferguson

Attending:

Mr R Fruzynski, Licensing Standards Officer
Ms M Winter, Licensing Admin Assistant
PC H Bowsher
Councillor K McLeod (from item 3)

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor J Goodfellow (Convenor)
Councillor T Trotter

Declarations of Interest:

None

In the absence of Councillor Goodfellow, Convenor of East Lothian Licensing Board, Councillor Grant was appointed Convenor for this meeting. Councillor Grant was nominated by Councillor Currie and seconded by Councillor Innes.

1. MINUTES FOR APPROVAL – 28 MAY 2015

The minutes of the Licensing Board meeting of 28 May 2015 were agreed to be a true record.

2. VARIATION OF PREMISES LICENCE

(i) The Burgh Arms, 83 High Street, Musselburgh

Mr S McGowan was present to represent Punch Taverns. Mr J Williams, Local Area Manager, was also present.

The Clerk stated that the application seeks to vary the licence to alter the premises to a cafe bar with an external area; change the premises name to Brewed and Baked;

allow on and off sales from 11am on Saturdays and Sundays; allow bar meals outwith core hours; allow premises to open from 8am everyday for the provision of teas, coffees, breakfasts (NB no alcohol would be sold outwith core licensed hours); allow children and young person's access from 8am; and include additional activities as per the operating plan, namely: charity events, business networking and meeting facilities, community events and meetings, tastings and food and drink events; cultural and artistic displays or performances; and supper clubs.

Two public objections had been received but no objectors were present at the meeting.

Mr McGowan explained that the Burgh Arms is not currently trading. He outlined the extensive plans to transform the business from a public bar to a cafe bistro and tabled colour images of the proposed design and layout. He highlighted that the external area to the rear of the premises would be reduced in size; that the premises would be food-led and family friendly; and that this was a major investment which he described as the first of its kind for Punch Taverns in the United Kingdom. Board members were advised that the premises would be renamed/rebranded Brewed & Baked.

Mr McGowan acknowledged the issues raised by Police Scotland and the Licensing Standards Officer (LSO). He stated that he was happy to make the following amendments: a terminal hour of midnight on Fridays and Saturdays; a terminal hour of 20.00 hours for external areas; revised wording regarding seasonal variations, as suggested by Police Scotland; and the removal of off-sales. Mr McGowan also clarified how supper clubs would operate and advised that a new Designated Premises Manager would be appointed in due course.

In response to Police Scotland, Mr McGowan requested that the variation to open at 11am on Sundays be granted, given the future nature of the business. The LSO had recommended that alcohol sales be ancillary to the purchase of food. However, Mr McGowan stressed that alcohol sales are part of the Brewed & Baked business model/product offering.

Mr Williams explained that the business, which will be a franchise, will open with a new team of people under very close supervision from Punch Taverns. He added that a positive meeting had taken place with neighbours regarding their concerns. The Board were advised that the LSO had been present at that meeting.

Mr McGowan responded to Board members regarding questions and observations. Councillors Currie and McAllister sought assurance that there would be no repeat of previous complaints about these premises; Councillor McAllister enquired about the reduction in size of the useable external space to the rear; Councillor Grant asked about permissions for the use of the pavement area outside the premises; and Councillor Akhtar enquired about the playing of amplified music.

Police Scotland and the LSO advised that they are supportive of the application to vary the premises licence subject to the amendments and concessions made by Mr McGowan. In response to the LSO, Mr McGowan agreed that the operating plan be amended to show 'YES' to restaurant facilities.

Councillor Currie urged that meetings take place on a regular basis with residents to build local confidence in the operation and running of the premises.

Councillors Currie and McAllister were of the opinion that there is no requirement for alcohol sales to be ancillary to the sale of food.

Decision

East Lothian Licensing Board agreed to grant the variation to the premises licence subject to:

- i. amending the operating plan to indicate 'YES' to restaurant facilities;
- ii. removing the off-sales of alcohol;
- iii. amending the terminal hour for Fridays and Saturdays to midnight;
- iv. amending the terminal hour for external areas to 20.00 hours; and
- v. amending the wording regarding seasonal variations to read: 'we would seek to take advantage of any general extensions allowed by the Board'.

(ii) Dunbar Castle Social Club, Masonic Hall, Belhaven Road, Dunbar

Mr G Mitchell, Secretary and Mr K Miller, Treasurer were present to represent the Club.

An objection had been received from Mr E Boyle. Mr Boyle was present at the meeting.

The Clerk stated that the application seeks to vary the licence from a Club licence to an open licence; to vary the opening hours on Saturday to be 11am to 1am; to vary the opening hours on Sunday to be 12 midday to midnight; to vary the commencement of core hours Monday to Friday to be 11am; to include conferences and indoor sports (not before 10am); and to restrict children's access to 10pm, or until the terminal hour if attending a special event or function.

Mr Mitchell advised Board members about the reasons why Dunbar Castle Social Club is seeking to vary its premises licence.

Mr Boyle summarised his objections citing the safety of school children as one of his main concerns.

Mr Mitchell responded to the matters raised by Mr Boyle. The Board were satisfied that the applicant has mitigated against all perceived risks to school children.

PC Bowsher referred the Board to their recommended changes in their report dated 11 May 2015 contained in the meeting papers. She reported that Police Scotland are, however, agreeable to the change in opening times and support the application for an open licence.

The LSO reported that he had received no complaints in relation to these premises.

Decision

East Lothian Licensing Board agreed to grant the variation in premises licence subject to:

- i. the terminal hour for a Tuesday being reduced to 23.00 hours
- ii. children and young persons to be allowed access until 22.00 hours only if under the supervision of a responsible parent or guardian unless they are attending a private function when they can stay for the duration of that function

(iii) McColls, 61 High Street, Haddington

The Clerk advised that the Agent for the applicant has requested that the item be continued to the August 2015 meeting in order that an over provision statement can be submitted.

Decision

East Lothian Licensing Board agreed to continue item to the meeting on 27 August 2015.

3. APPLICATION FOR OCCASIONAL LICENCE

North Berwick Rugby Football Club, Recreation Park, Dunbar Road, North Berwick

The Clerk advised that this application has been presented to the Board as an objection has been received from North Berwick Highland Games (NBHG).

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Mr D Portway and Ms E Danks were present to represent NBHG.

The Clerk stated that the application is for 8 August 2015. The NBHG is an annual event which takes place in the park adjacent to the premises of North Berwick Rugby Football Club who are seeking to take advantage of the custom from this event by providing a drinks service to participants and visitors.

Mr Macdonald provided detailed information regarding the request for this occasional licence and stated that alcohol would only be sold within the rugby club premises. He stressed that his client does not consider that they will divert business from the bar and catering facilities provided at NBHG.

On the basis of assurances that alcohol would only be sold inside the clubhouse, Mr Portway advised that he no longer had a strong objection to this application.

The Board debated the possibility of the rugby club only serving alcohol in plastic glasses in case patrons took their drinks outside. PC Bowsher pointed out that the application confines alcohol to inside the clubhouse and suggested that the club nominate a committee member to ensure that alcohol is not removed from the premises.

Decision

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

**4. PREMISES LICENCE REVIEW
Day to Day, 26-28 Bridge Street, Tranent**

The Clerk advised that this review has been requested by Police Scotland in respect of Umar Irshad, Premises Licence holder.

Mr Macdonald, Macdonald Licensing was present to represent Mr Irshad. Mr Irshad was also present.

PC Bowsher referred Board members to the detailed report from Police Scotland regarding the failed alcohol test purchase. She answered questions from Councillor McAllister regarding the circumstances surrounding the alcohol test purchase. In particular, she highlighted that Mr Irshad had been uncooperative and argumentative with the Police and urged the Board to take a serious view of this matter.

The LSO referred the Board to his report contained in the meeting papers.

Mr Macdonald provided information on the family business and apologised to the Board, the LSO and to Police Scotland, on behalf of his client, for the inconvenience caused. He stated that the family take pride in their business and are ashamed about what has happened. Mr Macdonald provided a detailed account of events regarding the test purchase, as recalled by his client. He commented that there is no excuse for the lack of cooperation with the Police; however, his client is an inexperienced young man who reacted badly. He also provided the Board with information about the situation regarding the Designated Premises Manager; training records; and remedial actions which have been taken since the failed test purchase.

Responding to Councillor McAllister, Mr Irshad apologised for his behaviour when he was questioned by the Police and explained why he had been unable to locate the marked £10 note.

Mr Macdonald agreed with Councillor Currie that a licensee should not be uncooperative in any dealings with the Police and concurred with PC Bowsher that a trained premises licence holder/personal licence holder should be fully aware of their responsibilities.

The Board members and the Clerk withdrew from the meeting to debate the matter in private. On rejoining the meeting Councillor Grant explained that Board members had fully considered the matter and considered that that suspending the licence would be an appropriate course of action. However, he advised that on this occasion, a written warning would be issued and made it very clear about the importance of cooperating with the Police in future.

Decision

East Lothian Licensing Board agreed to issue a written warning.

5. LICENSING BOARD LOGO

The Clerk referred members to the report asking them to consider and approve a logo for use by East Lothian Licensing Board.

Decision

East Lothian Licensing Board approved the undernoted logo.

