



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

**THURSDAY 29 OCTOBER 2015  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

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**Board Members Present:**

Councillor J Goodfellow (Convenor)  
Councillor S Akhtar  
Councillor S Currie  
Councillor D Grant  
Councillor W Innes

**Clerk of the Licensing Board:**

Mrs K MacNeill

**Attending:**

Mrs M Ferguson, Service Manager, Legal and Procurement  
Mr R Fruzynski, Licensing Standards Officer  
Mrs D Elworthy, Licensing Admin Officer  
PC H Bowsher, Police Scotland  
Insp A Harborow, Police Scotland

**Committee Clerk:**

Ms J Totney, Team Manager – Democratic Services

**Apologies:**

Councillor F McAllister  
Councillor T Trotter

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL**

- (a) The minutes of the Licensing Board meeting of 24 September 2015 were agreed to be a true record.

*Matter arising* – the Clerk advised that the premises licence in respect of Cafe Borsa had now been surrendered.

- (b) The minutes of the East Lothian Licensing Board and East Lothian Local Licensing Forum meeting of 24 September 2015 were agreed to be a true record.

*Matter arising* – The Clerk advised that further implementation of the Air Weapons and Licensing (Scotland) Act 2015 is not planned until after the Scottish Parliamentary Elections in May 2016. She confirmed that the changes in relation to personal licence holders are already in force.

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

Councillor Goodfellow, Convenor, read out the following statement:

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 Friday 11 December 2015 until Monday 4 January 2016 inclusive and will allow an extension of the terminal hour for the sale of alcohol during that period until 2 am. 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 1 December 2015. There is no need for licensees to apply for the general extension to 2 am. On sales premises can utilise these hours to the extent they consider appropriate.

## **3. APPLICATION FOR PROVISIONAL PREMISES LICENCE**

### **(i) Jo's Kitchen, 73 Market Street, Haddington**

Mrs J Lawrence, the applicant, was present. No objections had been received in respect of this application. There were no further comments from the Licensing Standards Officer (LSO) or from Police Scotland.

Mrs Lawrence answered questions from Councillor Goodfellow regarding soundproofing and the performance of live music. The Board were satisfied with the measures that had been put in place. Mrs Lawrence advised the Board that off-sales of alcohol would be charged at the same price as on-sales. She indicated that she would apply for occasional licences for the first few weeks pending the completion of building works and the issue of a full premises licence.

The Board commented that they were pleased to see the building at 73 Market Street being used in a positive and family friendly way.

### **Decision**

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

## **4. CHIEF CONSTABLE'S REPORT TO THE EAST LOTHIAN LICENSING BOARD 1 APRIL 2014 – 31 MARCH 2015**

Inspector Harborow commented that this is a positive report and invited questions from Board members. In responding, he highlighted the preventative approach that

is being used to address the supply of alcohol to under-age persons. He thanked the Board for their support in policing the licensing trade in East Lothian.

Councillor Currie asked that the Board's thanks be recorded for the work done by Police Scotland and remarked on the success of a partnership approach to achieving the licensing objectives in East Lothian. Councillors Akhtar and Goodfellow echoed these comments.

### **Decision**

East Lothian Licensing Board noted the report.

## **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 2015/16 remains unpaid, that being a breach of the mandatory conditions attached to those premises licenses.

The Clerk provided details of the premises where the annual fee for 2015/16 remains unpaid, adding that some of the premises are no longer trading.

The LSO outlined the actions that had already been to ingather these outstanding fees.

Councillor Goodfellow expressed his thanks to the Licensing team and expressed his dissatisfaction that some fees remained outstanding.

Councillor Currie was astonished that the legislation allows premises to continue trading when the annual fee has not been paid. He commented that if there are serial offenders who do not pay their annual fee by the due date, then this could be grounds to review the premises licence.

Councillor Goodfellow requested that Council Officers produce a report to the Board, within the next few months, with recommendations on how to reduce the number of premises that have not paid the annual fee by the due date in 2016.

### **Decision**

East Lothian Licensing Board agreed to hold a review hearing in respect of the premises licences listed in appendix 1 on the basis that the annual fees for 2015/16 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.