



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

**THURSDAY 26 NOVEMBER 2015
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

Mrs K MacNeill

Attending:

Mrs M Ferguson, Service Manager, Legal and Procurement
Mr R Fruzynski, Licensing Standards Officer
Ms M Winter, Licensing Administration Assistant
PC H Bowsher, Police Scotland
Insp A Hogarth, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor S Akhtar
Councillor T Trotter

Declarations of Interest:

Councillor Goodfellow advised that he is working with the premises manager of The Old Clubhouse, Gullane on another issue and that he has personal knowledge of a number of The North Berwick Masonic Social Club committee members. Councillor Goodfellow would therefore withdraw from the meeting for these two items.

As proposed by Councillor Innes, it was agreed that Councillor Grant would take the Chair in the absence of Councillor Goodfellow.

1. MINUTES FOR APPROVAL

The minutes of the Licensing Board meeting of 29 October 2015 were agreed to be a true record.

2. VARIATION TO PREMISES LICENCE

(i) Dunbar Golf Club, East Links Road, Dunbar

Mr J Hughes, designated premises manager, was present.

The Clerk advised that the application seeks to vary the licence to an open licence; to include two outdoor seating areas; to vary opening core times Monday to Sunday from 11 am to 10 am; to vary Thursday evening from 11 pm to 1 am and Sunday from 11 pm to 12 midnight; add off-sales Monday to Sunday 10 am to 10 pm; include restaurant facilities, club meetings, recorded music, televised sport and outdoor drinking outwith core hours; and films within core hours. No public objections have been received.

Mr Hughes stated that he was happy to answer any questions from the Board.

Police Scotland and the Licensing Standards Officer (LSO) advised that they had nothing to add to their written reports. However, PC Bowsher referred Board members to the Police Scotland comments in respect of the commencement time for the on sales of alcohol.

The LSO reported that this is a well run club and that he supports the application.

Councillor Currie commented on the fact that the golf course is an Open qualifying championship course and that he too would be supporting the application.

Councillor Innes stated that he supported the application in its entirety.

In response to Councillor Goodfellow, Mr Hughes advised the Board that he is agreeable to a specific condition in the licence stating that any off sales of alcohol would be at the same price as on sales of alcohol. Mr Hughes also confirmed that he was in agreement with a terminal hour of 22.00 hours for the outside drinking/seating area.

Decision

East Lothian Licensing Board agreed to grant the variations to the premises licence subject to the price of off sales of alcohol being the same as the on sales price; and a terminal hour of 22.00 hours for the outside drinking/seating area.

Sederunt: Councillor Goodfellow left the meeting. Councillor Grant took over as Chair of the meeting.

(ii) The Old Clubhouse, East Links Road, Gullane

Ms B Patterson, designated premises manager, was present.

The Clerk advised that the application seeks to vary the terminal hour for on sales on Saturdays from midnight to 1 am; vary the commencement hour for on sales of

alcohol on Sundays from 12.30 pm to 11 am; to add televised sport outwith core hours; and children and young people to be permitted on the premises until 10 pm unless consuming a meal or attending a private function, in which case they would be allowed to stay for the duration (previously 0 -9 year olds were permitted until 8 pm and 10 – 17 year olds permitted at all times).

Ms Patterson confirmed that these variations differ from the original application and are the variations that are now being sought.

The LSO and Police Scotland had nothing to add to their reports.

Decision

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

Sederunt: Councillor Goodfellow rejoined the meeting in his role as Convenor of East Lothian Licensing Board.

3. PREMISES LICENCE REVIEWS

(i) Ormiston Post Office, 18A Main Street, Ormiston

The Clerk advised that the review is in relation to the non-payment of the annual premises licence fee.

No one was present to represent Ormiston Post Office.

Councillor Goodfellow expressed his disappointment that, for the last few years, Ormiston Post Office had been late in paying the annual fee.

The LSO highlighted the attempts that had been made to secure payment. He advised that the premises licence holder had indicated that he would surrender the licence but, to date, that has not happened. He recommended that the licence be revoked.

Councillor Grant, local Ward member, requested that the licence be suspended and not revoked.

However, Councillor Currie remarked that the Board needs to strongly signal that late payment of fees will not be tolerated. This view was shared by Councillor McAllister.

The LSO and PC Bowsher informed that Board that they had visited the shop recently and found it closed. The majority of the stock had been removed from the shelves.

Councillor Innes commented on the time and effort involved in chasing up late payments and supported the revocation of the licence.

Decision

East Lothian Licensing Board agreed to revoke the premises licence.

(ii) Madisons, Olivebank, Newhailes Road, Musselburgh

Mr C Innes, Ennova Law, was present. He advised that he was representing the previous owners and the current premises licence holder.

Mr Innes provided background information regarding the recent change of ownership of the premises. He advised that the new owners will be leasing the premises to T J Morris trading as Home Bargains and that the new owners have requested that the premises remain licensed for the off sales of alcohol at this retail outlet. Mr Innes advised that an application for a licence variation would be submitted to the Board in due course. He apologised for the late payment of the annual fee, which had now been paid.

The LSO outlined the efforts and time involved in attempting to secure payment. As the annual fee had also been received late in 2013 and 2014, his report to the Board recommended that the licence be revoked. However, he noted that the new owners are now requesting that the premises licence be transferred to them.

Councillor McAllister stressed the need for licensed traders to behave in a responsible manner regarding their licensing obligations.

Councillor Innes pointed out that it is important to acknowledge the impact that the change of ownership has had on the situation and suggested therefore that no action should be taken against the new owners. Councillor Grant concurred with the views expressed by Councillor Innes.

Councillor Currie also highlighted that the premises are to become a new business with a new operator.

Councillor Goodfellow acknowledged the Board's desire to take no action but nonetheless made it clear that late payment of fees is unacceptable.

Decision

East Lothian Licensing Board agreed to take no action.

Sederunt: Councillor Goodfellow left the meeting. Councillor Grant took over as Chair of the meeting.

(iii) North Berwick Masonic Social Club, 8 Forth Street, North Berwick

Mr N Farrell, Club Treasurer, was present.

The Clerk informed members that the annual fee had now been paid.

The LSO commented that North Berwick Masonic Social Club is well run. However, the club was also late in paying the annual fee the previous three years.

Mr Farrell advised the Board that it was only as a result of attending this Board meeting, that he had fully realised the time and cost involved to East Lothian Council in collecting overdue fees. He accepted full responsibility for the fee not having been paid on time and assured the Board that in future the payment of the annual fee would be brought to the attention of the management committee at a much earlier stage.

Councillor Grant thanked Mr Farrell for his honesty and for the contrition he had shown, a view echoed by Councillor Innes. However, Councillor Innes stressed that late payment in future years would not be tolerated.

Councillor Currie made it clear that the Board is delivering a strong message regarding any future late payment of fees, a view which was re-iterated by Councillor McAllister.

Decision

East Lothian Licensing Board agreed to issue a written warning to the premises licence holder.

Sederunt: Councillor Goodfellow rejoined the meeting in his role as Convenor of East Lothian Licensing Board.

4. EAST LOTHIAN LOCAL LICENSING FORUM WORKING GROUP VIEWS ON ALCOHOL DELIVERIES

The Clerk presented the report which detailed the views on alcohol deliveries from a working group formed by members of East Lothian Local Licensing Forum. She reminded members that it had been agreed at the joint meeting of the Board and the Forum in September 2015, that the working group should present this information. The Clerk explained that the feedback from the working group would inform the Licensing Board's Policy when it is reviewed in 2016. She stated that the working group had provided their views on the home delivery of alcohol, and in particular, the home delivery of alcohol by Gullane Mini Market where there is a condition that all deliveries of alcohol must be made by the licence holder.

No one was present from the East Lothian Local Licensing Forum.

Members debated the working group view that, regardless of the size of the retail premises, all alcohol home deliveries must be made by the personal licence holder. The LSO pointed out that large commercial organisations do not have this condition attached to home deliveries of alcohol.

Board Members discussed several issues in relation to the home delivery of alcohol including the importance of recording the identity of the person receiving the delivery; protecting underage drinkers and vulnerable people and the hours when alcohol can be delivered to homes.

Councillor Grant suggested that the Board note the findings of the working group and include the issue of home delivery of alcohol when reviewing the Statement of Licensing Policy. Councillor Currie stated that views should be taken from a range of stakeholders and that the policy needs to be capable of being delivered and enforced.

Decision

East Lothian Licensing Board agreed to note the contents of the report and take the views of the working group into account when the Statement of Licensing Policy is reviewed