

EAST LOTHIAN

Meeting 24 March 2016 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Premises Licence Review(s)

Premises	Applicant	Date Received	Comments
6 AULD HOOSE 19 FORTH STREET NORTH BERWICK EAST LOTHIAN EH39 4HX	MRS WILMA SHAW	29 February 2016	
7 AULD HOOSE 19 FORTH STREET NORTH BERWICK EAST LOTHIAN EH39 4HX	MS DOROTHY BOYLE	1 March 2016	
8 CO-OPERATIVE GROUP FOOD LTD. CO-OPERATIVE GROUP FOOD LTD. MAIN STREET ORMISTON TRANENT EAST LOTHIAN	POLICE SCOTLAND	12 February 2016	
9 ELPHINSTONE ARMS MAIN STREET ELPHINSTONE EH33 2LT	POLICE SCOTLAND	13 February 2015	

Winter, Maree

From: [REDACTED]
Sent: 29 February 2016 13:42
To: Licensing; NorthBerwickCoastalCPT@Scotland.pnn.police.uk; secretary nb com council
Subject: Re: The Auld Hoose Public House, North Berwick

Dear Sir/ Madam,

Re: The Auld Hoose public house at 19 Forth Street, North Berwick, EH39 4HX

The antisocial behaviour of clients of this pub is having a serious , negative impact on the lives of local residents.

We have made previous representation for improved consideration.

Examples of antisocial behaviour follows :

-Through evening/night -time opening hours and beyond closing time individuals and groups gather outside to smoke , talk loudly on mobile phones, argue and at times fight.
(Most of the conversations , often full of foul language, screams and charging about can be heard inside our homes at two rooms removed from the street front.)

-Many litter the streets , tossing cigarette ends and bottles or glasses in our gardens and some urinate/ are sick against our wheelie bins which are on our properties.

-If home windows are open cigarette smoke drifts from those who smoke by our bins or in our garden area.

-They do not disperse at leaving time but hang around often running between parked vehicles shouting and screaming abuse at each other.

-An added disturbance is caused by the revving cars which now stop outside on the pavements , engines running, whilst clients come out to talk with the drivers who then race off only to return later and follow the same pattern.

-Pedestrians walk warily on other side of road and I would hesitate to go out to my own bin or car in the evening and would most certainly be too fearful to ask for consideration from those outside my home.

There are no door staff monitoring or encouraging customers to be more considerate throughout hours and to move on home at end of hours.

Calls to the police , discussions with council anti social behaviour wardens and the landlord have not improved matters for residents.

This behaviour has become habitual.

Referring to East Lothian Licensing Policy these are breeches of this policy, particularly:-
Objectives, 3.1, Preventing Crime and Disorder , 9.2, 9.3, 9.4, Securing Public Safety, 10.2, 10.3,
Preventing Public Nuisance 11..., Protecting Children from Harm , 13.4, Smoking 25.1,
25.2...

Apart from a hairdressing salon opposite the pub, below a family home all the properties in this part of Forth Street are lived in by permanent residents.

I would appreciate acknowledgement of receipt of this email.

Winter, Maree

From: [REDACTED]
Sent: 01 March 2016 22:22
To: Licensing
Subject: Re: KMacN/mjw/EN/L/EL038. Additional comment

Dear Ms Winter, This evening I attended NB community Council meeting and heard the police report about attendance to incidents at Auld Hoose.

As officers were not present I could not ask what the gap between calls made to them and attendance were .

Residents know that , yes the incidents were over because the police took over thirty minutes in one case , were longer in others and obviously cannot be taken from more serious actions to monitor the street behaviour with random checks.

Without a timescale their response carries little value. .
It does not negate the severity of the disturbances nor the validity of the complaints.

Yours sincerely ,

[REDACTED]
Sent from my iPad

On 1 Mar 2016, at 12:11, Licensing <licensing@eastlothian.gov.uk> wrote:

Hi,

I acknowledge receipt of your email, the police and asbo team have been contacted for a report.

Regards
Maree.

From: [REDACTED]
Sent: 01 March 2016 12:09
To: Licensing
Subject: KMacN/mjw/EN/L/EL038

Re: Auld Hoose , North Berwick

Dear Ms Winter,

Thank you for your prompt reply.

Unfortunately I have other appointments on that date and suspect that as it is the Easter break I may find it difficult to enlist a stand-in.

I would like to refer the Board to the numerous calls to 101 and others from my neighbours and self. We have almost given up on that influencing changes hence my letter /our letters to the Board.

As the tourist season arrives we anticipate others emulating the behaviours of the current , local clientele with dread.

Yours sincerely,

[REDACTED]
1/03/2016, [REDACTED]




1ST March 2016

Dear Sir/Madam,

Re: The Auld Hoose Public House 15 Forth St North Berwick EH39 4HX

I am writing to express my concerns about the increasing numbers of problems associated with the above named pub. Twice within a fortnight there have been two fights in the street outside when customers have, in numbers, spilled out the pub and began fighting in the street. On both occasions the police have been asked to attend via 999 due to the perceived severity of the fights.

The noise levels from customers standing outside to smoke and chat either to each other or on mobile phones has increased substantially and I have had several incidents of young men urinating against my gate and refuse bins. My  daughter's bedroom is at the front of the house and she was looking out the bedroom waiting on me returning from the supermarket when a young man relieved himself against the gate. I called the police immediately.

In recent weeks there has also been an increase in young people driving cars up the street and parking illegally on the pavement whilst leaving the car engine running as passengers run in and out the pub. Again these cars, some of which have modified exhausts, are so loud my daughter's sleep is being disturbed. They drive round in groups of two or three cars and appear to be racing each other as they pull up on the pavement at speed then both cars take off simultaneously again at speed.

I recently found two people sitting on my doorstep smoking and had to ask them to move, both were holding bottles of beer. I frequently pick these bottles out of my plant pot.

The pub does not employ door staff/bouncers and although the pub landlord does a great job I feel the time has come for greater input from both door staff to control the behaviour of customers outside and from the police as many of the customers are teenagers who become very rowdy when in groups outside the pub.

Over the past year I have had to phone the council re noise pollution, the police on several occasions re fighting and speak to the landlord in person due to the behaviour of some customers. Forth Street is a residential area and I feel there needs to be better consideration given to address the increasing problems the customers of this public house are causing for local residents.

Yours faithfully



EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

**Rudi Fruzynski,
Licensing Standards Officer**

**Kirstie MacNeill
Clerk to the Licensing Board**

Date: 04 March 2016

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW – THE AULD HOOSE, FORTH STREET, NORTH
BERWICK, EAST LoTHAIN**

On Monday 29th February 2016, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 that the Licensing Board had accepted an application to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining the basis of the request for the review, which is submitted for the consideration of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Licensing Standards Officer's Report

General Information

The Auld Hoose, 19 Forth Street, North Berwick is owned by Greene King Retailing Ltd. The company has held the premises licence in respect of the pub since March 2010, after it was taken over from Belhaven Brewery Co. Ltd.

Mr Craig Edwards has held the lease for the pub since August 2007. Mr Edwards is also founder member of the North Berwick Pub Watch.

The core hours of the premises for on consumption sales are as follows:

Monday to Wednesday inclusive – 11:00 to 23:00

Thursday to Saturday inclusive – 11:00 to 01:00

Sunday -11:00 to 24:00

The core hours for off-consumption sales are 11:00 to 22:00 daily.

The premises cater for a mixed age group of clientele. Entertainment is limited to a Box Club every Saturday which comprises a piano player playing from 21:00 to 22:30; a band 3 to 4 times a year, and televised sport on a daily basis. A darts team play on Monday evenings, when hosting a home match.

At quiet periods the bar is staffed by one member of staff and at all busy periods by 3 staff. There are 2 personal licence holders, one of which is normally on at all times the premises are open.

Premises Review

There are three separate complainers referred to in this report, namely [REDACTED] and [REDACTED] who reside at [REDACTED] respectively, in a recessed area immediately adjacent to the Auld Hoose, and [REDACTED] whose house is diagonally opposite the pub.

Summary of Complaints and Action Taken From 01-01-2015

At 22:41 on Thursday 16th July 2015 [REDACTED] complained, via the Anti-Social Behaviour helpline, about noisy, rowdy behaviour from the Auld Hoose. A male had just come out of the pub for a cigarette and was skateboarding up and down. A crowd was outside standing smoking and making loud noise. She stated that the premises were licensed to 01:00 but patrons remained outside until 01:30. The Operator provided [REDACTED] with details of the times the Anti-Social Behaviour Team (ASB Team) operate over weekends and advised her to call the police if she felt that the situation required immediate attention. An Environmental Protection Officer was informed of the call and indicated she would contact [REDACTED] with a view to confirming fuller details of the problem for the information of the Night Time Noise Team (NTNT).

On Friday 14th September 2015 [REDACTED] emailed the Licensing Standards Officer stating he wished to highlight concerns with noise and disturbance associated with patrons of the Auld Hoose. He stated disturbance occurs late at night or in the early hours of the morning and was such that it was sufficient to wake him from sleep, or prevent him getting to sleep in the first place.

The following day (15-09-2016), [REDACTED] emailed the LSO that he had been woken at 02:00 by shouting outside the Auld Hoose. He had looked out and saw that a man was being arrested by Police Officers and was taken away in a police van. It was later learned that the pub was closed at the time of the incident and the arrested male had no connection with it.

On 19th September 2015, [REDACTED] emailed the LSO to say that at 23:00 the previous day, (Friday 18-09-2015), he got home to find a number of people going in and out of the Auld Hoose making a great deal of noise in the street. This continued on and off for some time, building up to an alleged 'crescendo' at 01.30, which prevented him being able to get to sleep. He stated he telephoned the Police on two occasions, but this had little effect in reducing the noise. He requested that the Council take action to control the problem.

On Tuesday 25th September 2015, the LSO returned from holiday and contacted [REDACTED]. He was informed him that the NTNT had been requested to monitor the pub for ASB and nuisance, duties permitting. He was also informed that the Team supervisors had asked that [REDACTED] call the ASB Helpline direct, at the time any noise nuisance was being experienced, so that officers could attend and make observations. The telephone numbers of both the Helpline and Police Scotland were provided.

[REDACTED] was also updated that the LSO had met with Mr Craig Edwards that afternoon and apprised him of the content of the complaints received. Mr Edwards was concerned about these complaints and stated he would brief staff on the issues raised, he would arrange for smoker checks every 15 minutes to ensure their orderly conduct as far as possible, he would put up big signs on the entrance/exit doors alerting customers to noise problems and to be mindful of nearby residents and he would put up a large sign, in a prominent position on the back wall of the bar stating that, due to the limited taxis service in the town, bookings should be made at least one hour before closing time to prevent noise nuisance of patrons leaving at closing time and hanging

about in the street waiting on transport home. Mr Edwards also provided telephone contact details, for himself and the bar, which [REDACTED] and the NTNT could use should further problems arise and this would allow for the problem to be dealt with immediately.

[REDACTED] acknowledged the action taken with thanks. However, he went on to say at 22:30 on 26th September 2016 four customers of the Auld Hoose were arguing and shouting at the side door of the premises which made a level of noise that prevented him getting off to sleep. He phoned Mr Edwards and asked if he could sort out the problem, which he did. Then later that night, at 01:17, there was a great deal of shouting by a group of people at the front door, which woke [REDACTED]. He again phoned Mr Edwards and asked if he would speak to those concerned, but Mr Edwards stated that the pub was shut and that he had no authority to move people on in the street. Mr Edwards was reported to have asked [REDACTED] for his name and enquired where he lived, which [REDACTED] felt was quite threatening. The noise continued and [REDACTED] telephoned the police.

The following evening (27-09-2015) [REDACTED] reported further disturbance from a group of people standing outside the front door of the Auld Hoose, which woke him from his sleep.

On 28th September 2016 [REDACTED] emailed the LSO stating that given Mr Edwards attitude he felt little purpose in trying to deal with him direct, therefore any future problems he encountered would be reported direct to the police or the LSO. [REDACTED] offered suggestions as to two possible solutions to the problem. The first was that the pub should employ sufficient door staff to deal with noise and disorderly conduct and the second was that the terminal hour of the pub could be reduced to 22:30.

The foregoing problems and comments encountered by [REDACTED] were fed back to Mr Edwards, who acknowledged [REDACTED] calls at the weekend and stated he had dealt with the first complaint at 22:30 on 26th September and had gone out into the street at 01.20, after the pub had closed at 01:15 and moved a group of people on. Mr Edwards stated that he had told [REDACTED] that he had no problem with going out to speak to people, but could not guarantee that they would comply since it was a public place. He said that he had asked [REDACTED] for his name and where he lived as, under the Data Protection Act, he had not been able to be informed by council officers of [REDACTED] name and address and he simply wished to gauge where [REDACTED] resided in relation to the group of persons outside. He said [REDACTED] was ranting at him and threatened to call the police.

No further complaints were received until 3rd November 2015 when a letter was received by the ASB Team from [REDACTED]. She stated that, on behalf of her neighbours, she wished to complain about having to suffer noise and rowdy behaviour from smokers and groups that gather outside the Auld Hoose and about patrons who remain in the street after the pub closes. She stated that the persons concerned run up and down the street, and nearby lanes, shouting and arguing. The language was reported to be foul. [REDACTED] asked, as a representative of neighbours of the pub, for some consideration to be able to have peace to be able to sleep.

Following receipt of the above letter, Mr Colin Clark, Principal Environmental Protection Officer, arranged a meeting with Mr Edwards and the LSO, which was held at 10:30 on 9th November 2015. A representative from Greene King was not available to attend, but had indicated that they would liaise with Mr Edwards as to the outcome of the meeting.

At the meeting, details of [REDACTED] letter and earlier complaints from [REDACTED] were discussed. The following actions were agreed:

- Mr Edwards and staff to check smokers every 15 minutes, when premises busy, to discourage disturbance and nuisance.
- Signage to be displayed on both exit doors for patrons to be mindful to respect the peace of neighbours.
- Sign to be put up in a prominent place to advise customers to order their taxis by no later than midnight since there is a limited service in North Berwick and calling for a taxi would take, on average, an hour to arrive.
- Pub contact numbers provided by Mr Edwards to encourage complainers to call the pub or Mr Edwards if an issue arose.
- Pub to keep a daily log to be kept of any issues.
- Staff to refer any incidents or relevant information to the police.
- Police to be contacted if patrons linger outside at closing time after being requested to move on.
- Mr Clark to write and respond to the complainer.

No further complaints were received until 29th February 2016 when an email was received at the Licensing Admin Office from [REDACTED] who complained of the general anti-social behaviour experienced by residents in the vicinity of the Auld Hoose, which she stated was having a negative impact on residents lives. Apart from the type of disturbance previously referred in this report, [REDACTED] referred to issues concerning litter nuisance from smokers, discarded beer bottles, patrons urinating against resident bins, the revving of cars stopping outside the pub, and car engines left running when people run in and out the pub to speak to each other. [REDACTED] stated she was wary about going out in the evening to challenge such anti-social behaviour.

[REDACTED] complained that the pub had no door staff on to encourage consideration for neighbours and to move people on at the conclusion of hours. She reflected that calls to the police, discussions with the ASB wardens and the landlord had not improved matters for families who predominantly occupy properties in the Forth Street, North Berwick. [REDACTED] also alluded to the behaviour described as having become habitual and quoted that this was a breach of the licensing objectives in relation to preventing crime and disorder, securing public safety and preventing nuisance.

On 1st March 2016 the Licensing Admin Office received a letter from [REDACTED] intimating concern that twice in recent two weeks there had been fights outside the Auld Hoose in Forth Street. Customers had apparently spilled out into the street and police had been called. Mr Edwards intimates that at 00:46 on Saturday 13th February a couple of his customers were outside smoking when someone passing by had become confrontational with the customers and a fight had occurred. Mr Edwards called the police, but by the time they arrived on the scene, the individuals concerned had left. He also states that the police called in at the pub around 23:00 on Saturday 27th February saying that they had been called regarding a fight. The premises were quiet, very few persons were in the bar, and nobody knew anything about a fight. It was later confirmed with the police that the actual incident occurred in Quality Street, nearer to the Ship Inn.

In her letter, [REDACTED] went on to complain about noise levels from smokers, chatting and using their mobile phones, incidents of men urinating against her refuse bin and referred to her [REDACTED] laughter witnessing one such event, which was reported to the police. She reiterated the disturbance, as specified by [REDACTED] caused by boy racer types visiting the pub on a frequent basis. She also alluded to finding persons sitting on her doorstep smoking and drinking bottles of beer, and that she frequently finds empty beer bottles in her small front garden. It is confirmed that on one occasion police officers detected a urinating offence in the vicinity of the pub when a fixed penalty ticket was issued. Mr Edwards has commented that bottled beer is sold on the premises, but he was not aware of customers going out into the street with any form of drinks and that he displays large signs inside the exit doors warning customers not to take drinks outside into a alcohol bylaw restriction area.

[REDACTED] stated that she feels the pub does a great job, but they should employ door staff to control the behaviour of customers outside, some of whom are very rowdy teenagers. She infers that the police presence in the area should also be more high profile to deal with issues in the street. She reiterates having had to call the council and police in the past year regarding noise and fighting in the street associated with the Auld Hoose and have spoken with the landlord about the behaviour of some customers. She seeks more consideration to address the increasing problems the pub is having on local residents. Mr Edwards states he does everything he can to prevent nuisance caused by his customers and refers to the implementation and maintained actions he has taken following meetings with Mr Colin Clark and the LSO. He states that he personally has had no approach from the complainers, other than two telephone calls from [REDACTED]. He welcomes and encourages contact from anyone who has a problem with his customers or premises in order that the issues can be discussed and dealt with quickly.

An independent police report detailing incidents reported to Police Scotland will be prepared by the police licensing officer and submitted separately.

LSO Observations

The 3 complainers have serious concerns relating to disturbance and noise issues caused by patrons of the Auld Hoose when they are outside the premises having a smoke or are loitering in the area of the pub at closing time.

Mr Edwards has fully co-operated with officials in implementing actions to prevent disturbance of his neighbours. He has not elected to employ door staff at busy times for reasons of cost, the feeling that door staff can be taken the wrong way by prospective customers and evoke unwanted reactions and problems, and he feels that such a presence may deter patrons from going to his pub. He has opted instead to use members of staff to make regular 15 minute checks of smokers to maintain good conduct.

Some of the incidents referred to were unconnected with the pub or caused outwith the control of the landlord.

There is no suggestion that disturbance is caused by noise from within the pub and the issue is with smokers, and persons leaving the premises at closing time. Because of the location of the pub, there is no alternative place for smokers to go when they go outside and it will be difficult to make persons be quiet when enjoying friendly conversation, having a laugh etc in the street. The sound from only two people chatting in the quiet streets of North Berwick can be horrendous, especially during the autumn and winter months.

Good communication and liaison between the landlord and neighbours is to be encouraged to develop co-operation, an understanding of each other needs, and the promotion of actions to reduce disturbance.

Reduction of core hours to 22:30 each night, as suggested by one of the complainers, is an option open to the Board, but is not a realistic one since the pub would invariably lose trade and ultimately have to close.

Monitoring of the pub, for a period of 3 to 6 months, may be considered by the Board to see if the situation improves and can be reduced to an acceptable level. Complainers are encouraged to report any disturbance they experience, at the time it occurs, in order that the weekend NTNT can attend and observe individual problems. A report would be collated at the end of the period for the information of the Board.

Winter, Maree

From: Cummings, Katrina (ASB Team)
Sent: 01 March 2016 09:06
To: Fruzynski, Rudi; Winter, Maree
Cc: Clark, Colin - EHO; [REDACTED]
Subject: RE: Review of Premises Licence - Auld Hoose, Forth Street, North Berwick

Dear Rudi/Maree

I have checked the ASB Helpline Register from 1st January 2015 and can confirm the undernoted complaints were received –

16/07/2015 at 22.48 hours - Complaint regarding rowdy behaviour from the Auld Hoose, male had come out of pub for a cigarette and skateboarding up and down. Crowd outside making loud noise and standing outside smoking. Premises licensed until 1am but patrons still outside at 1.30 am in the mornings. Advised times that the NTNT operate over weekend and also to call police if she feels that situation needs immediate attention.

03/11/2015 – Letter received on behalf of neighbours of the Auld Hoose, suffering noise, rowdy behaviour from smokers who are outside the pub and from groups which gather and remain before and after hours in Forth Street Lane and Forth Street, often run up and down the street or lanes shouting and arguing, foul language.

Both passed to Environmental Protection for their attention.

Regards

Katrina Cummings
Antisocial Behaviour Team Administration Officer
The George Johnstone Centre
35 Winton Place
Tranent
EH33 1AE
Ext: 6658
Telephone: 01620 829902
Fax Number: 01875 824130

From: Fruzynski, Rudi
Sent: 29 February 2016 15:47
To: Oliver, Derek; Heather.Bowsher@scotland.pnn.police.uk; Black, Kenneth; Clark, Colin - EHO; Grant, Shona
Cc: Cummings, Katrina (ASB Team); MacNeill, Kirstie; Licensing
Subject: Review of Premises Licence - Auld Hoose, Forth Street, North Berwick

Good afternoon

This morning a letter of complaint and a follow up email of complaint was received from a resident in Forth Street, North Berwick concerning anti-social behaviour and noise issues associated with e Auld Hoose public house. These issues were passed to the Clerk to the Licensing Board who has called for a review of the Premises Licence to be heard at the next Licensing Board.

I would be grateful if you can forward to me any reports of crime and disorder; anti-social behaviour or nuisance that you have received since the beginning of 2015 along with details of action taken.

As always, I would appreciate you reports as soon as possible in order that I can collate a report for the information of the Licensing Board, which meets on 24th March.