



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

**THURSDAY 26 MAY 2016
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

Attending:

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

Apologies:

Councillor T Trotter

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the Licensing Board meeting of 28 April 2016 were agreed to be a true record.

2. PROVISIONAL PREMISES LICENCE

(a) North News, 179 North High Street, Musselburgh

Mr Alastair Macdonald, Macdonald Licensing, was present to represent the applicant. He advised that his client had been held up and asked that this matter be delayed until later on the agenda.

The Board agreed to take this matter later.

(b) Sainsburys Store, Gateside West, Haddington

Ms Kevin Clancy, Shepherd and Wedderburn, was present to represent the applicant.

Mr Martin Wolfe, Store Manager was also present.

The Clerk advised that a Provisional Premises Licence had been granted for this store in March 2012 but had expired in March 2016. This was an application for a further Provisional Licence in the same terms.

Mr Clancy addressed the Board advising that the economic conditions since 2012 had led to a delay in progressing with this store. Sainsbury were undertaking a review of their estate and still saw an opportunity to progress with a store in Haddington although the granting, or not, of this Provisional Licence would have an impact on their plans. He directed the Board to the statement on the Licensing Objectives that accompanied the application and supported his assertion that this application would not contravene the Board's policy on overprovision. In particular, he noted that there were no other licensed premises within 500m of this site. As housing development is progressing on an adjacent site, he argued that the granting of a licence for a future store here would meet a need that is currently not being met by any other licensed premises.

He answered questions relating to the future plans for the site and was advised that Members were frustrated at the lack of progress in this regard.

Insp Harborow and the Licensing Standards Officer (LSO) had nothing to add to their written reports.

Decision

East Lothian Licensing Board agreed to grant this application.

(a) North News, 179 North High Street, Musselburgh

Mr Alastair Macdonald, Macdonald Licensing, was present to represent the applicant.

Mr Zohaib Mailik, applicant, was also present.

The Clerk advised that a public objection had been received along with three letters of support. Neither the objector nor the supporters were present. The Clerk advised that the letter of objection appeared to be referring to another premises, next door to the actual premises that are the subject of this application.

Mr Macdonald addressed the Board on this client's plans for this shop, noting that it was a very small shop meeting a local need for small scale groceries. His client had asked customers what they would like to see stocked and there was a demand for a small stock of alcoholic drinks. Mr Macdonald was of the view that the immediate vicinity of this shop was not over provided with licensed outlets; the only other off sales premises was the Day to Day shop near the Brunton hall. Larger supermarkets at Tesco and Lidl were not within easy walking distance, particularly for elderly customers.

With regard to the letter of objection, Mr Macdonald's client had owned the premises since November 2015 and had not seen any behaviour of the type set out in this letter. He clarified that the music referred to would be background music or the radio only.

The Licensing Standards Officer (LSO) advised that this was a very small shop and would have a very small licensed area if granted. During the time he had visited the shop, he had noted the high number of local customers using it and wouldn't see the grant of a licence compromising the Licensing Objectives. He would support the grant of this licence.

Insp Harborow stated that this area of Musselburgh had historic problems of anti social behaviour. It was an objective of the CAP to deal with this and he considered that the grant of a new off sales licence in this area would be to the detriment of the work that was ongoing in this regard. He reminded Members that the Board's Overprovision Statement required there to be 'exceptional circumstances' before a new licence would be granted.

Under questioning from the Members, Insp Harborow agreed that these premises were not responsible for any of the previous anti social behaviour.

Councillor McAllister agreed with the Police's views of the historic problems in this vicinity and was of the view that alcohol was a significant factor in this. Whilst he accepted that this premises hadn't contributed to problems previously, he was not satisfied that 'exceptional circumstances' had been demonstrated and could not support this application. He considered that a grant of this licence would compromise the Licensing Objectives relating to crime and disorder, public safety and the protection of children and young people.

Councillor Currie considered that the number of takeaway shops in this area, along with the availability of off sales, could contribute to an increase in anti social behaviour. This would be regrettable given that matters seemed to have improved over recent years as a number of licensed premises had closed. On balance he considered that the grant of this licence would have a negative effect rather than a positive effect and so he could not support this application.

Councillor Innes noted that the LSO was supportive of this application as it would meet a local need. In addition, three local residents had written to the Board to support the applicant. He considered that the shop was very small and it was unreasonable to consider that this modest size of licensed premises would have a significant impact on anti social behaviour in the vicinity. He supported the application.

Councillor Akhtar also supported the application. She considered that the level of information provided by the applicant relating to compliance with the Licensing Objectives was very impressive for a small community retailer and was satisfied that the applicant would act in a responsible manner.

Councillor Grant understood the caution in this matter but noted that there is no blame attached to these premises or this applicant for historic issues in the area. He did not think this licence would constitute a significant risk and was minded to grant it, noting that, if problems arose, the Board had the powers to deal with these.

The Board voted on this matter as follows:

For: 3
Against: 2
Abstention: 1

Decision: Accordingly, East Lothian Licensing Board agreed to grant the application.

3. VARIATION TO PREMISES LICENCE

(b) Giancarlo's, 119 High Street, Tranent

Mr Alastair Macdonald, Macdonald Licensing, was present to represent the applicant.

The Clerk advised that the application seeks to vary the operating plan to allow outside drinking as an activity and amend the layout plan to show the outside area as part of the licensed premises.

Mr Macdonald advised that this business had been extremely popular and successful and his clients were simply wishing to extend their offering to allow some outside dining space. They had a permit from the Council's transportation department that allowed use of the pavement until 2100 hours. He noted the Police request that use be limited to 2200 hours and suggested an amendment to the Operating Plan to show the time limit as 2200 hours or as restricted by the permit as he hoped that his clients could vary the permit to allow a terminal hour of 2200 hours.

Members asked questions about the music in the premises and Mr Macdonald advised that his client would accept a condition that there would be no music in the outdoor area. The transportation permit already prohibited amplified music and speech in this area.

Insp Harborow and the Licensing Standards Officer (LSO) had nothing to add to their written reports.

The Board agreed to grant this application, subject to the amendment to the Operating Plan regarding the terminal hour and a condition prohibiting music in the outdoor area.

4. OCCASIONAL LICENCE

(a) Macmerry Miners' Welfare Society and Social Club.

Mr James Fortune, President and Mrs Jessie Young, Vice President were present on behalf of the Macmerry Miners' Welfare Society and Social Club.

The Clerk advised that this was an Occasional Licence application but that, as objections had been received from Police Scotland and from the LSO, it had to be considered by the Board. The Occasional Licence sought was for the period from today to 8th June and was in respect of the premises adjacent to Macmerry Bowling Green.

Mr Fortune advised that the Club were in the process of applying for a Premises Licence for these premises but wished to get the bowling section up and running while this application was pending. Accordingly, they had applied for this Occasional Licence.

The Licensing Standards Officer confirmed that there had been contact with the Licensing Team regarding an application for a Premises Licence. His concern was that this application was for a non-specific purpose, ie not a particular event.

Insp Harborow did not wish to add anything to the terms of his letter of 16th May.

Councillor Grant noted that there was a long history here but that was all outwith the Board's remit. He was pleased to note that an application was forthcoming for a Premises Licence and would support this application for an Occasional Licence. Councillor Akhtar agreed as did Councillor Currie.

Councillor Innes noted that, should further Occasional Licences be required to bridge the gap while the Premises Licence was being processed, he would look favourably on these.

The Clerk confirmed that, at present, this was the only application before the Board. It was likely that the Premises Licence application would not be before the Board before the August meeting at the earliest.

Decision

East Lothian Licensing Board agreed to grant this application.

5. REVIEW OF PERSONAL LICENCE

(a) Ryan Baynham

Mr Macdonald, Macdonald Licensing was present to represent Mr Baynham.

Mr Baynham, personal licence holder, was also present.

The Clerk advised that Police Scotland has requested a review of Mr Baynham's personal licence and that the Board had agreed to continue the item from the April 2016 meeting.

Mr Macdonald advised the Board that the Procurator Fiscal had not yet decided whether or not to take proceedings in respect of this matter. Pending that decision, he felt he might not be able to be totally open with the Board but was prepared to proceed today if that was the wish of the Board. Alternatively, he would be happy to have this matter continued pending the decision on court proceedings.

Insp Harborow advised that he was equally happy to leave this decision to the Board. However, if the matter was to be continued, he would propose to monitor the progress of the court proceedings and, if there was undue delay, would be asking for the matter to be dealt with by the Board.

Decision

East Lothian Licensing Board agreed to continue the review of the personal licence until their meeting in August 2016 in the first instance to determine whether a decision had been made by the Procurator Fiscal at that time.

EAST LOTHIAN

Meeting 23 June 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
1	ELPHINSTONE MINERS' WELFARE SOCIETY AND SOCIAL CLUB ELPHINSTONE MINERS WELFARE SOCIETY MAIN STREET ELPHINSTONE	ELPHINSTONE MINERS' WELFARE SOCIETY AND SOCIAL CLUB	21 April 2016	Change status of club to an open licence. Take advantage of seasonal variation offered by the Board.

EAST LOTHIAN LICENSING BOARD

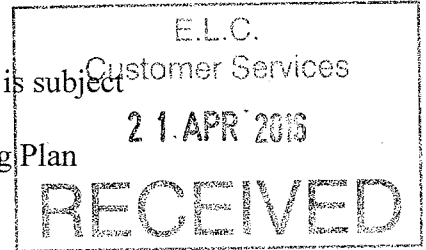
LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).



(Provide Details)

NONE

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL 0228

2(b) Name and Address of Premises

ELPHINSTONE MINERS' WELFARE & SOCIAL CLUB
MAIN STREET
ELPHINSTONE

Post Code	EH33 2NA	Phone No.	01875 610562
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2(c) Full Name and Address of Current Licence Holder

ELPHINSTONE MINERS' WELFARE & SOCIAL CLUB

Post Code	EH33 2NA	Phone No.	01875 610562
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SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

CHANGE STATUS OF CLUB TO OPEN LICENCE
DESIGNATED PERSONAL LICENCE HOLDER
IS SHOWN IN OUR UP-DATED PLAN ATTACHED
TO THIS APPLICATION.

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

TAKE ADVANTAGE OF SEASONAL VARIATION
OFFERED BY THE LICENSING BOARD

3(c) Variation to the Layout Plan of the Premises Licence

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

NO CHANGE

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence
(e.g. Alteration to the description of the premises contained within the Premises Licence)

NO ALTERATION

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

- YES NO

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)
.....

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £ 150 is enclosed.

Signature



CHAIRMAN

(See note 5 below)

Date

20/4/16

Capacity: APPLICANT / AGENT (delete as appropriate)

**If agent, please provide name, address,
phone number and (if applicable) email address**

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Name, address and postcode of premises to be licensed.

ELPHINSTONE MINERS' WELFARE & SOCIAL CLUB
 MAIN STREET
 ELPHINSTONE, TRAVENT EH33 2NF

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises?	YES /NO*
1(b) Will alcohol be sold for consumption solely OFF the premises?	YES /NO*
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	YES/ NO *
*Delete as appropriate	

Question 2

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11.00	23.00
Tuesday	11.00	12 MIDNIGHT
Wednesday	11.00	23.00
Thursday	11.00	23.00
Friday	11.00	01.00
Saturday	11.00	01.00
Sunday	12 Noon	12 MIDNIGHT

Question 3

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11.00	22.00
Tuesday	11.00	22.00
Wednesday	11.00	22.00
Thursday	11.00	22.00
Friday	11.00	22.00
Saturday	11.00	22.00
Sunday	12 Noon	22.00

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES/ X *
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*If YES – provide details

TAKE ADVANTAGE OF SEASONAL VARIATION OFFERED BY THE LICENSING BOARD

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	NO	N/A	N/A
Conference facilities	YES	YES	NO
Restaurant facilities	YES	YES	NO
Bar meals	YES	YES	NO
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	YES	YES	YES
Club or other group meetings etc.	YES	YES	YES
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	YES	YES	NO
Live performances – see 5(g)	YES	YES	NO
Dance facilities	YES	YES	NO
Theatre	NO	NO	NO
Films	YES	YES	NO
Gaming	YES	YES	NO
Indoor/outdoor sports	YES	YES	NO
Televised sport	YES	YES	NO

5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Outdoor drinking facilities	YES	YES	NO
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours - please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Adult entertainment	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

CLUB MEETINGS, FUNCTIONS AND SPORTING EVENTS OCCUR OUTWITH CORE HOURS. THE EARLIEST OPENING IS 9.00 AM TO ALLOW ACCESS TO THE PREMISES. NO ALCOHOL IS SOLD OUTWITH THE CORE HOURS WITHOUT AN OCCASIONAL LICENCE. OPEN LICENCE OCCASIONAL LICENCE NOT REQUIRED.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

NONE .

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES /NO*
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When fully occupied, are there likely to be more customers standing than seated?	YES /NO*
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*Delete as appropriate	
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Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

ACCOMPANIED BY PARENT OR RESPONSIBLE ADULT.

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

CHILDREN OF ALL AGES. BABY CHANGING FACILITIES ARE PROVIDED

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

UNTIL 9.00PM OR UNTIL THE FUNCTION WHICH THEY ARE ATTENDING ENDS

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

ALL PUBLIC AREAS INCLUDING TOILETS, BUT, ARE NOT PERMITTED WITHIN 1M OF BARS.

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

ON SALES 250

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) Name

CHRISTOPHER M'GEARY

8(b) Date of birth

[REDACTED]

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

ALL PUBLIC AREAS INCLUDING TOILETS, BUT,
ARE NOT PERMITTED WITHIN 1m OF
BARS.

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

OWN SALES 250

8(c) Contact address

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8(d) Email address and telephone number

--

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
5/3/2013	EAST LoTHIAN LICENSING BOARD	EL 943

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature [REDACTED] (see note below)

Date 20/4/10

Capacity .. CHAIRMAN APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory ..

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*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Local Area Commander

The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Date: 2nd May 2016

Your Ref: EL0228

Our Ref: J/LIC/3705/HB

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Dear Madam,

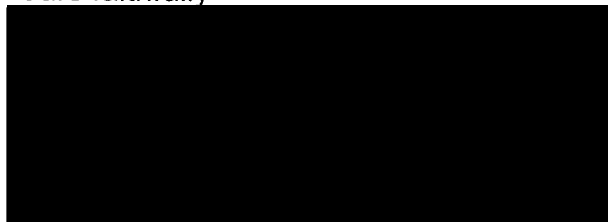
**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
ELPHINSTONE MINERS WELFARE SOCIETY & SOCIAL CLUB, MAIN
STREET, ELPHINSTONE**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of a request to move from a 'club licence' to an 'open licence'.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquires please contact the Licensing dept on 01620 826 147

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 13 May 2016

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION) – MAY 2016

ELPHINSTONE MINERS WELFARE & SOCIAL CLUB, MAIN STREET,
ELPHINSTONE EH33 2NA

I refer to the above subject and can confirm that the variation application in respect of Elphinstone Miners Welfare & Social Club has been assessed, in line with the requirements of the Licensing (Scotland) Act 2005, and is in order.

The Club Committee has been in full consultation with Licensing Standards prior to making this application.

I am satisfied that the Operating Plan is in accordance with the Licensing Board's policy, and the Act and have no objections to the granting of this application.

R. Fruzynski
Licensing Standards Officer

[REDACTED]

Phone [REDACTED]

[REDACTED]

11/05/2016

Clerk of the licensing Board
John Muir House
Haddington
East Lothian
EH41 3HA

Ref; Elphinstone Miners Welfare Society and Social Club, Change status of club to an open licence. - OBJECTION

Dear Ms. MacNeill,

It has come to our attention that the Elphinstone Miners Social Club is applying for an open licence.

We are the [REDACTED] in the village of Elphinstone, we wish to make clear our objections to any attempt to extend the licence of the said club.

The miners Social Club is sited on the farm entrance road which is a private road. This road has been maintained by ourselves for the last forty years. The club was originally used by local miners and their families when there was an active coal mining industry in the area, at that time very few people had cars and locals walked to the club and a pedestrian right of access was attained. Over the years as time have changed the club has had to rely on visitors from out with the village to keep it open. This has resulted in cars arriving and blocking the farm road, as patrons cannot, or do not try to find a proper place to park. We have put up signs stating that the road requires access at all times but they are ineffectual most of the time.

We are not only a working farm with land on either side of the village, with large machinery working long hours in need of twenty four hour access. We are also a family requiring access to and from our home at all times of the day and night; it is not unreasonable to insist that the social club prevents their patrons from blocking our driveway.

An unfortunate change in management recently has resulted in an escalation of incidents involving patrons and members of the club and the disgustingly aggressive behavior of member/patrons has resulted in the police being contacted at least once a week at present. It is now almost impossible to enter the club to ask members to unblock our driveway. We have no point of contact in authority to notify about the problems the club is causing and they have failed to provide us with any assistance. The lack of notification of this change in the licence is typical of the disrespect we and our property receive.

The club has a car park; it is poorly maintained and ironically has been locked to prevent local residents from using it. The club has failed to indicate its presence and although we have had

assurances from East Lothian council to signpost its existence, none have materialised. The police have advised the club to open their car park and we have noticed the barrier raised of late.

The farm entrance is on a bend in the road next to a major junction in the village. This limits the ability for road side parking. The residents in the village try to park outside their homes at night and at weekends and of course there are more vehicles than ever as this is a village with few facilities and limited public transport. The club is organizing events in the evenings and weekends when there is little or no road side parking available, and so it is easier for patrons to block our entrance than find a legitimate parking space. An open licence would make an already impossible situation even worse.

We have had to put a gate at the bottom of the farm road to prevent vehicles setting off our security alarms when turning in our yard late at night, the gate also prevents cars racing up and down the farm road. We maintain the road and grass verges to a high standard only to have the grass constantly damaged by vehicles trying to turn on a narrow drive rather than reverse back.

Taxis are also a constant problem as they park in the middle of our drive and their drivers usually wait inside the club for their fares to decide to leave. This is particularly difficult for female members of our family returning home and very uncomfortable about entering the club at closing time with many of the patrons having been drinking.

We have had assurances in the past by the club of efforts to keep our entrance and driveway open but they have always fallen on stoney ground sooner or later.

We have written to the Coal Authority Social Welfare Committee but they have only put a solution in the hands of the Club. We have had lawyers write to them also.

We have contacted the police, who have been very helpful and sympathetic and will continue to help us but their priority must go to other offences.

We have contacted East Lothian council about signs and road markings.

We have even contacted the council Licencing authority in the past.

Surely it is not right that a family and small business should be treated with the contempt we have to endure and the granting of an open licence would result in an escalation of unacceptable incidents. As a club all visitors should be signed in and are therefore accountable to the club for their actions, it would be possible for the club to transfer blame to people out with their responsibility if they gain an open licence. The very existence of this club must surely be questioned if they fail to act reasonably within the community.

Yours sincerely

A large black rectangular redaction box covering the signature and name of the sender.

19/05/2016

Dear Ms MacNeill

I wish to object to the application for major variation at the Elphinstone Minors Welfare and Social Club.

I received a letter informing me of the plans to vary the premises license on the 26th April 2016 and that I have the opportunity to object.

Over the last few months I have experienced threatening and anti-social behaviour on numerous occasions from people using the Social Club. I fully believe that the variation in license will only worsen these problems.

There has been criminal damage caused to property belonging to [REDACTED] This involved cars screwing up grass and driving over decorative stones which were put into place to stop cars turning on the grass as it happens that often. I approached one man doing this recently and experienced threatening behaviour. In addition to this damage, there have been cars parked on the private farm road every day belonging to people using the Social Club. This continues to be an ongoing problem despite signs stating the farm road must be clear 24 hours a day as it is a working farm.

Recently [REDACTED] was blocked in due to a car parked on the road and when he went into the club to ask for it to be removed he was threatened by numerous men younger than him. Later that day, [REDACTED] were also threatened as we stood in my garden by two separate men on the private farm road. These incidents were all reported to the police and between my [REDACTED] we have had diary appointments with various police officers to discuss these issues. In addition, I have witnesses to these events and also photographic evidence of vehicles parked on the private farm road, outside my home which is opposite the Social Club, and of the damage caused by cars turning on the grass.

There is also an ongoing problem with glasses and bottles being taken from the club and being smashed on the farm road and thrown into the farm cottage gardens. Litter in the area is also a constant problem.

In addition to these problems, I am also regularly woken up at around 1:30am to 2:00am on Saturday and Sunday mornings by drunk and disorderly people leaving the club. I have to listen to drunk shouting and singing, and frequently there are fights that spill out onto the farm road, approximately 10 meters from my bedroom window.

Another issue is that during the evenings or weekends, I enjoy sitting in my front garden but I feel too uncomfortable to do so as I frequently have people smoking on the front lawn of the Minors' Club watching over me with the smell of cigarette smoke in the air less than 10 meters from my

garden. As far as I am aware, this is not a designated smoking area as these smokers are simply standing outside an emergency exit.

These problems have been ongoing for many years now but I believe the club management has changed personnel since the beginning of the year and my family and I have noticed a dramatic increase in the occurrence of these incidents since these changes. As I mentioned before, the police have been contacted on numerous occasions but there have been no improvements. The club has its own car park but fails to open the gates regularly or notify its users that there even is a car park or where it is, by either word of mouth or by putting up signs.

I wholeheartedly believe that the management is incapable of running the club to an acceptable standard and if the application for license variation is granted, these problems will become much worse and much more frequent.

Yours sincerely,

A solid black rectangular box redacting the signature of the sender.

Winter, Maree

From: [REDACTED]
Sent: 13 June 2016 10:06
To: Winter, Maree
Subject: Elphinstone Miners welfare Club,
Attachments: 2016-06-03 11.49.21.jpg

Dear Maree,

I apologise for writing to you again concerning the Miners club in Elphinstone, but as my previous email indicated, the situation has not got much better and we now know that we must report any incidents.

I have included a photograph of a delivery lorry on the farm road and you will see that the driver has on this occasion made an effort not to completely block the road, but it is still the farm road and the club have failed to use their own car park for this.

I also want to notify you that on Friday evening [REDACTED] [REDACTED] we were unable to get home because of taxis abandoned and fully blocking our entrance. Unfortunately I do not have photographs of this.

Our own taxi driver became exasperated by his attempts to move those blocking the road and we were not prepared to walk the rest of the way home that late at night.

All I can say on the matter is that it completely destroyed our evening [REDACTED]
[REDACTED]

What can we do?

The police are unable to respond instantly, and that is understandable, but this club continues to make no effort to prevent it's patrons from disrupting our lives.

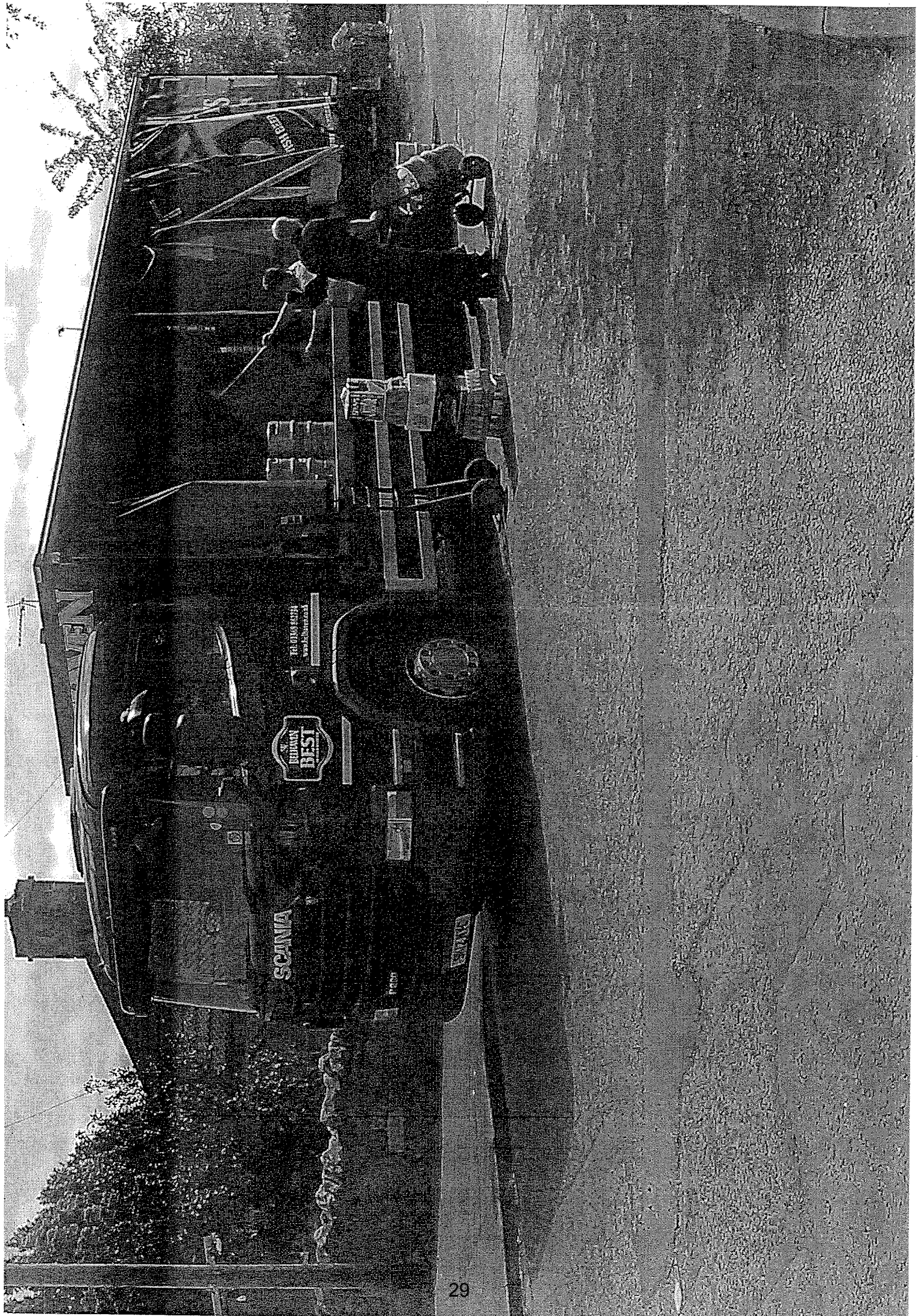
It was also obvious that numerous cars had been running up and down our drive when we were out, as the gravel at the bottom had been scattered about.

Do we have to lock ourselves in and never leave [REDACTED] we cannot make another entrance, our only hope of a solution is by contacting yourselves at East Lothian Licencing, in the hope that you can help.

Please can you ensure that this email gets to the appropriate persons and if possible we get an acknowledgement of receipt.

Once again thank you for reading this email,

Sincerely,
[REDACTED]



Winter, Maree

From: Scott, Keith
Sent: 13 June 2016 14:40
To: [REDACTED]
Cc: Winter, Maree; Fruzynski, Rudi
Subject: FW: Elphinstone Miners welfare Club,
Attachments: Miners Welfare.pdf

Importance: High

[REDACTED]

Just letting you know that I was recently approached by the chairman of the Miners Welfare Club regarding signage to inform visitors of their car park. We've agreed on 3 signs, all at their expense, see attached.

Hopefully the new signage will make patrons aware that they have a car park and will discourage people from parking on your road.

Regards
Keith Scott

Roads Officer | Road Services | Infrastructure | Partnerships & Community Services
East Lothian Council | John Muir House | Haddington | East Lothian | EH41 3HA
01620 827738 📞 | 07771 956537 📱 | 01620 827710 🖨️ | kscott@eastlothian.gov.uk

From: Mackie, Shirley **On Behalf Of** Transportation
Sent: 13 June 2016 10:15
To: Scott, Keith
Subject: FW: Elphinstone Miners welfare Club,
Importance: High

From: Winter, Maree
Sent: 13 June 2016 10:08
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Transportation; Fruzynski, Rudi
Subject: FW: Elphinstone Miners welfare Club,

Hi,

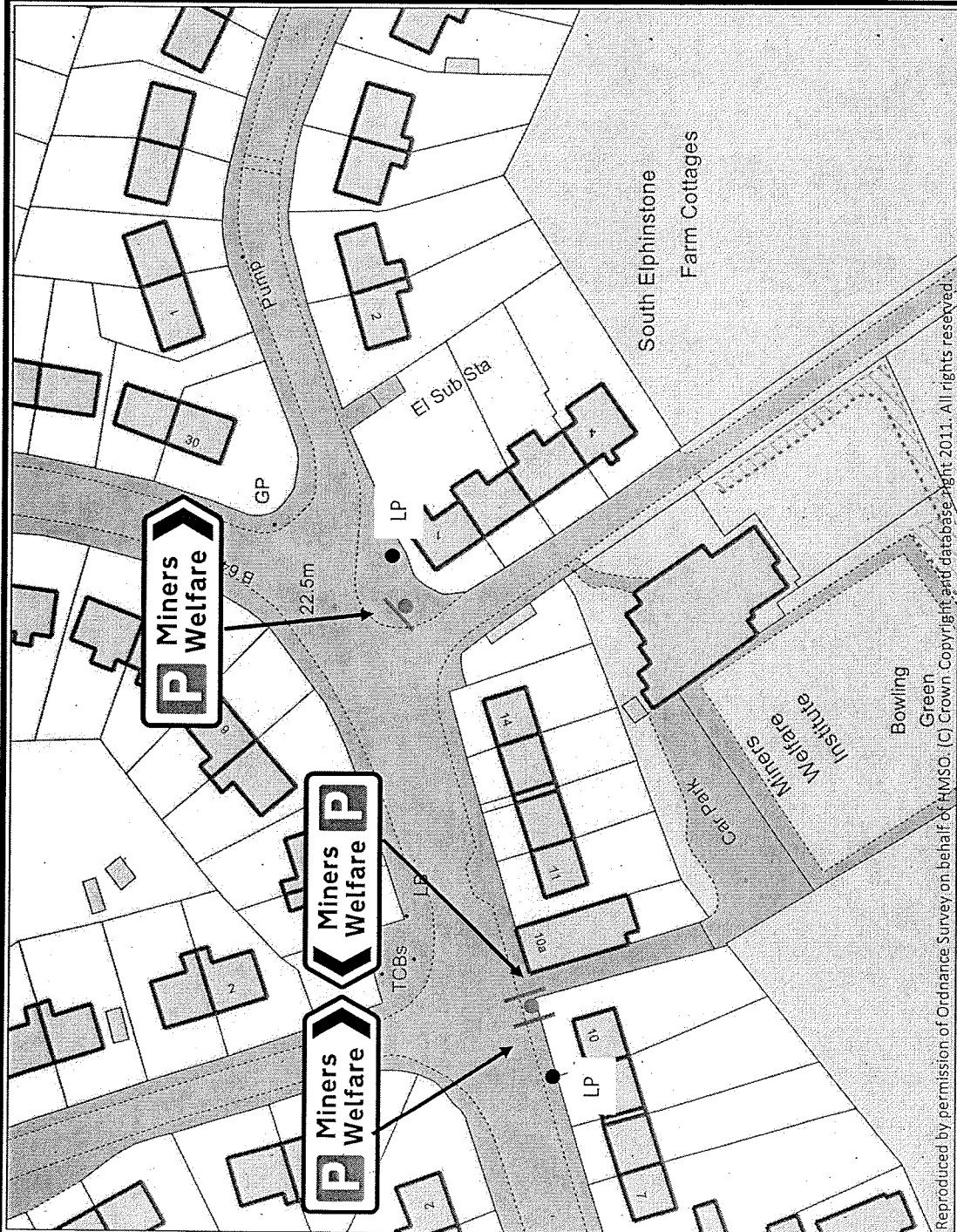
Please find complaint below.

Regards
Maree

From: [REDACTED]
Sent: 13 June 2016 10:06
To: Winter, Maree
Subject: Elphinstone Miners welfare Club,

Dear Maree,

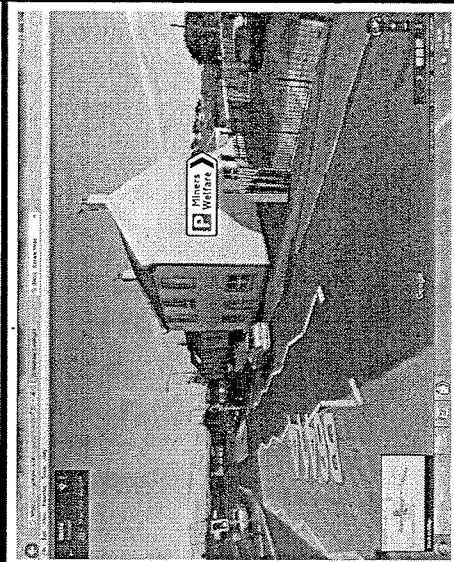
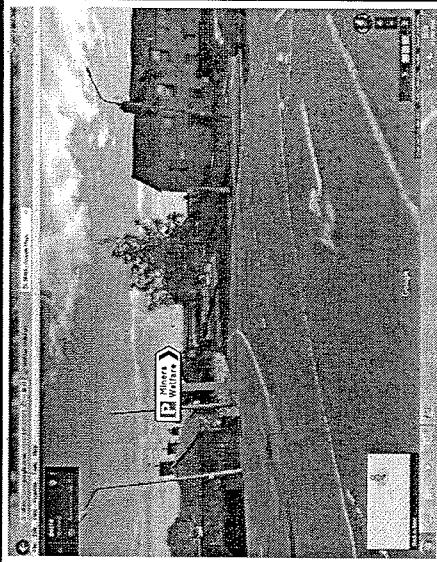
EAST LOTHIAN COUNCIL: ROAD NETWORK MANAGEMENT



Reproduced by permission of Ordnance Survey on behalf of HMSO. (C) Crown Copyright and database right 2011. All rights reserved.

Location: Buxley Road, Elphinstone

Description: 2 No. poles and 3 No. signs required. LP's are an option but not ideally placed.



East Lothian Council
 Transportation Department
 Road Network Management
 John Muir House
 Haddington
 EH41 3HA
 Tel: 01620 827827



Drawn by: KS
 Checked by:

Date: 03/06/2016
 Scale: NTS

DRG. NO.

Elphinstone Miners' Welfare and Social Club

10th June 2016

Ms Kirstie MacNeil
Clerk of the Licensing Board
East Lothian Licensing Board
John Muir House
Haddington
East Lothian
EH41 3HA

Dear Madam,

I am responding to letters from the Licensing Board dated 16th May, 20th May and email dated 1st of June all 2016.

16th May

- 1) At no time has the road been blocked as it is a 2 lane road and conventional vehicles from the farm have never been impeded. During harvest when large vehicles pass up from the farm no vehicles park in the road. The signage at the entrance to the road is poor and requires to be upgraded. (See photographs) I would suggest that if access to the farm is so critical a locked barrier should be erected at the entrance to the road.
- 2) We can categorically confirm that no aggressive behaviour has taken place outside the Club. There have been no visits or communications from Police Scotland in this connection.
- 3) Following a visit by Police Scotland on the 10th April in connection with the parking problem it was agreed that the car park barrier would be permanently open. Historically the car park was closed as local residents were using it to park caravans and to carry-out business activities.
- 4) Members and visitors to the Club have never parked on the grass edges at the entrance to the farm. The farmer places cones across the road to prevent access to the grass verges.

20th May

- 1) We are not aware of any threatening or anti-social behaviour taking place. There have been no visits or communications from Police Scotland in this connection.
- 2) We are not aware of any criminal damage taking place. There have been no visits or communications from Police Scotland in this connection.
- 3) We can categorically confirm that there has never been a problem with broken glass outside the Club.
- 4) We are not aware of drunk and disorderly members and guests causing a problem on egress from the Club. There have been no visits or communications from Police Scotland in this connection.
- 5) We were not aware of a problem with smokers outside the Club. If members and guests are smoking outside a fire door we will ensure that this practice ceases.

email 1st June

- 1) On Sunday 5th of June one of our Committee members had a party for her 7 year old granddaughter in the Club from 10.00am until 12.00 noon. A number of parents dropped their children off outside the Club and immediately reversed to the main road. Police Scotland were called.
- 2) These parents were visitors to the area and were not aware of the parking restrictions. Again as item 1 above the farm signage requires improvement.
- 3) For you information signs have been erected in the Club clearly stating that the road outside is a No Parking Area. Sample attached.

Additionally we have contacted ELC Roads Department and have instructed 3 Parking signs to be erected on the main road. Details of sign positions attached.

Yours faithfully,

██████████

Chairman

Elphinstone Miners' Welfare and Social Club

5 South Elphinstone Road, Elphinstone, Tranent, East Lothian EH33 2NA





SOUTH
ELPHINSTONE
FARM

35

Important Notice

Will Members and Guests be aware that the road outside the front of the Club is private.

NO PARKING is allowed at any time.

EAST LOTHIAN

Meeting 23 June 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Personal Licence(s)

Applicant

Date Received

Comments

2 CAMERON SANGSTER ROSS
C/O MACDONALD LICENSING
LIMITED
21A RUTLAND SQUARE
EDINBURGH
EH1 2BB

27 May 2016 Report from Chief Constable

EL1300
PC 2715

East Lothian Licensing Board

Application for a personal licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	Ross
Forenames	Cameron Sangster
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
Post town	[REDACTED]
Post code	[REDACTED]
TELEPHONE NUMBERS	
Daytime	
Evening	[REDACTED]
Mobile	[REDACTED]
FAX NUMBER	
E-mail address (if you would prefer us to correspond with you by e-mail)	
[REDACTED]	
Address for correspondence associated with this application (if different to the address above)	
Macdonald Licensing, 21a Rutland Square	
Post town	Edinburgh
Post code	EH1 2BB

2. Your licensing qualification		
Read note 2	Please tick	
I hold an accredited qualification	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If you have ticked yes please provide a copy of your qualification with your application.		
3. FIRST APPLICATIONS ONLY		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		

Note: You may only hold one personal licence at a time		Please tick	
Do you currently hold a personal licence?		Yes	No ✓
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?		Yes	No ✓
Has any personal licence held by you been forfeited in the last 5 years?		Yes	No ✓
Licensing Board			
Licence number			
Date of issue			
Date of expiry			
Any further details			
4. RENEWAL ONLY			
This section should be completed only if you are applying for a renewal of your existing licence			
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below			
Details of current personal licence			
Licensing Board			
Licence number			
Date of issue			
Date of expiry			
Any further details			
If you cannot provide your personal licence, provide a statement explaining why			
Other personal licence			
Note: You may only hold one personal licence at a time		Please tick	
I confirm that I do not hold any other personal licences other than the one submitted for renewal		Yes	No
5. CHECKLIST			
I have		Please tick yes	
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.		✓	
• Enclosed a copy of any licensing qualification I hold		✓	
• Enclosed my current personal licence (renewal only)			

• Made or enclosed payment of the fee for the application	✓
---	---

6. Previous Convictions
 You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty
NONE			

7. Declaration
 The contents of this application are true to the best of my knowledge and belief

SIGNATURE – read note 5		DATE	
-----------------------------------	--	-------------	--



POLICE SCOTLAND

Keeping people safe

Philip Gormley QPM
Chief Constable

Date 15th June 2016

Your Ref: EL1300

Our Ref: J/LIC/3705/HB

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PERSONAL LICENCE
CAMERON SANGSTER ROSS, [REDACTED]**

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to confirm that, based upon the information provided to Police Scotland, the applicant has been convicted of the following relevant offence.

Date	Court	Crime/Offence	Disposal
25/09/2015	Edinburgh JP	Theft Assault	Sentence deferred to 21/03/2016 then Admonished

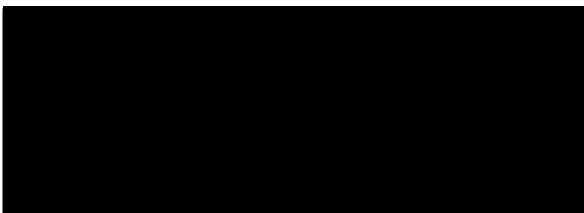
In terms of Section 73(4) of the Licensing (Scotland) Act 2005, the Chief Constable, in having regard to the above offence recommends that, for the purposes of the crime prevention objective, the application be refused.

I am unable to confirm the existence of any foreign offence in respect of the applicant.

A summary of the above offence is detailed in the appendix to this letter for the Boards consideration:

It is pertinent to note that the applicant did not disclose this conviction on his application form, stating 'none' in the relevant section 6 of the form.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147

APPENDIX

CAMERON SANGSTER ROSS

About 1300 hours on Wednesday 10th June 2015, the applicant was in the company of two other males on the High Street in Musselburgh. One of the other males had cause to speak with a group of younger males in relation to an outstanding debt of £50 owe over the sale of a guitar. One of the younger males (a 17 year old) took his wallet out of his backpack and handed £50 to this male in payment for the guitar.

The younger group then walked away towards a vennel in Kilwinning Place. They were followed by the applicant and the other unknown male. Some of the younger males noticed the applicant removing the males wallet from his backpack. By the time the younger male noticed this the applicant had moved in front of him with the wallet in his hand he began to tease the male, swiping the wallet away from his reach a number of times, the applicant stating that the male was "owe interest". The younger male was unsure at this point if the applicant was joking or not.

The applicant removed a £20 note from the wallet, which he placed in his pocket before throwing the wallet onto the ground. The younger male kneeled down to pick the wallet up and as he stood back up the applicant punched him in the face. The young male was able to stand up however found this to be very painful and felt his tooth chipping on impact. The applicant thereafter walked away from the locus.

The younger male returned to Musselburgh Grammar School where the depute head teacher contacted police on his behalf.

About 1630 hours, same date, a statement was noted by police, from the younger male at his home address. Police noted that the male had significant swelling around his right eye and that his tooth had been chipped. Statements were also noted from the younger male's three friends, all of whom named the applicant as the male responsible for the theft and assault.

About 1730 hours on Thursday 11th June 2015, officers attended at the applicants home address where he was arrested and conveyed to Dalkeith Police Station. On route the applicant proceeded to justify his actions to the officers on the grounds that the younger male had been owe money to his friend.

About 1825 hours, same date, the applicant was cautioned and charged with a theft and assault and held in custody to appear at Edinburgh Sheriff Court the following morning.

On 25th September 2015, the applicant was found guilty of Theft and Assault to Injury, sentence was deferred until 21st March 2016 when he was Admonished.