

**EAST LOTHIAN**

**Meeting 22 September 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian**

**Licensing (Scotland) Act 2005**

**Premises Licence Review(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
4 AULD HOOSE 19 FORTH STREET NORTH BERWICK EAST LOTHIAN EH39 4HX	MRS WILMA SHAW	29 February 2016	
5 AULD HOOSE 19 FORTH STREET NORTH BERWICK EAST LOTHIAN EH39 4HX	MS DOROTHY BOYLE	1 March 2016	

Our Reference: MF/mjw/EN/L/L1

Date: 24<sup>th</sup> March 2016



Niall Hassard  
TLT Solicitors  
140 West George Street  
Glasgow  
G2 2HG

Kirstie MacNeill  
CLERK OF THE LICENSING BOARD

John Muir House  
Haddington  
East Lothian  
EH41 3HA  
[licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

Dear Sir,

**REVIEW OF PREMISES LICENCE  
THE AULD HOOSE, 19 FORTH STREET, NORTH BERWICK  
YOUR CLIENT: GREENE KING RETAILING LTD.**

I refer to the hearing held on Thursday 24<sup>th</sup> March 2016, being a review of the Premises Licence for the above premises.

The Licensing Board, having considered all the evidence presented to it, decided to continue the review until the September Board to enable the Board to receive further reports on the operation of the premises. The Board has requested that the LSO seek to facilitate mediation between the tenant of the premises, and neighbouring residents, and has requested that the Police and the Council's Night Time Noise Team monitor the premises for the next six months. You will be sent copies of these reports and the Board will consider their contents at its meeting to be held in September 2016.

Yours sincerely

Morag Ferguson  
Depute Clerk to the Licensing Board

C.c. **Greene King Retailing Ltd., c/o Belhaven Pubs, Atrium House, 6 Back Walk, Stirling, Fk8 2QA**

Direct Dial : 01620 827867 (Maree Winter)  
E-mail : [Licensing@eastlothian.gov.uk](mailto:Licensing@eastlothian.gov.uk)

By email

Our Reference: MF/mjw/EN/L/L1

Date: 24<sup>th</sup> March 2016



Ms. D. Boyle



Kirstie MacNeill  
CLERK OF THE LICENSING BOARD

John Muir House  
Haddington  
East Lothian  
EH41 3HA  
[licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

Dear Ms Shaw,

**REVIEW OF PREMISES LICENCE  
THE AULD HOOSE, 19 FORTH STREET, NORTH BERWICK**

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Yours sincerely



Morag Ferguson  
Depute Clerk to the Licensing Board

Direct Dial : 01620 827867 (Maree Winter)  
E-mail : [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)



1<sup>ST</sup> 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 seven year old 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



## Winter, Maree

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From: dorothy boyle [REDACTED]  
Sent: 21 March 2016 11:58  
To: Winter, Maree  
Subject: RE: Police Response to Auld Hoose review request

Dear Maree,

can I suggest that everyone's time and tax payers' money is saved and the meeting regarding the Auld Hoose is cancelled. There is absolutely no point in having a meeting when the reports submitted are completely inaccurate.

The attached police report states on;

Saturday 27th February 2016 (incident 2710212016)

At 2258 hours, call received from Dorothy Boyle reporting a group of 10 persons fighting outside the premises. At 2312 hours Police attended to find nothing ongoing. A group outside stated that they had been there for approx 30 minutes and had not seen anything. Staff were also spoken to but nothing had been seen. The police control centre called the informant Ms Doyle back who stated that the disturbance was nearer the Ship Inn.

I assume someone called Ms Doyle was called back about this disturbance as I can categorically state I was NEVER called back about this incident. The whole point of calling 999 and not 101 was because a young man was on the ground having his head and body kicked but let's just mark that down to "play fighting" as well as the incident in the pub where two people were hit with glass.

I have already replied to this inaccuracy stating that the group left the pub and several of them were shouting that others were still in the pub that is how I know they came out the pub. The group did carry on down the road and no doubt ended up fighting at the Ship Inn as well but I am not in the habit of getting out of bed at 1.30am to dial 999 to report a fight I couldn't possibly see or hear at The Ship Inn.

Please do not spend money on a complete waste of time.

I and hopefully other complainants will continue to inform the appropriate authority of any problems resulting in the behaviour of the patrons of this pub and when the "play fighting" results in either the serious injury or death of someone we can all reflect on how we missed an opportunity to keep North Berwick safe, free from vandalism, anti social behaviour and criminal activity.

Yours faithfully

Dorothy Boyle

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From: [mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)  
To: [jgoodfellow@eastlothian.gov.uk](mailto:jgoodfellow@eastlothian.gov.uk); [winnes@eastlothian.gov.uk](mailto:winnes@eastlothian.gov.uk); [dgrant@eastlothian.gov.uk](mailto:dgrant@eastlothian.gov.uk);

By email

Our Reference: MF/mjw/EN/L/L1

Date: 24<sup>th</sup> March 2016



Ms Wilma Shaw  


Kirstie MacNeill  
CLERK OF THE LICENSING BOARD

John Muir House  
Haddington  
East Lothian  
EH41 3HA  
[licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

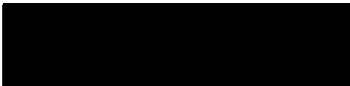
Dear Ms Shaw,

**REVIEW OF PREMISES LICENCE  
THE AULD HOOSE, 19 FORTH STREET, NORTH BERWICK**

I refer to the hearing held on Thursday 24<sup>th</sup> March 2016, being a review of the Premises Licence for the above premises.

The Licensing Board, having considered all the evidence presented to it, decided to continue the review until the September Board to enable the Board to receive further reports on the operation of the premises. The Board has requested that the LSO seek to facilitate mediation between the tenant of the premises, and neighbouring residents, and has requested that the Police and the Council's Night Time Noise Team monitor the premises for the next six months. The Board will consider the contents of these reports at its meeting to be held in September 2016.

Yours sincerely

  
Morag Ferguson  
Depute Clerk to the Licensing Board

Direct Dial : 01620 827867 (Maree Winter)  
E-mail : [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

Winter, Maree

---

From: wilma shaw [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

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**From:** wilma shaw [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,  
Wilma Shaw.  
Sent from my iPad

On 1 Mar 2016, at 12:11, Licensing <[licensing@eastlothian.gov.uk](mailto: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.

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**From:** wilma shaw [mailto:[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,  
Wilma Shaw

1/03/2016, 15, EH39 4HX.





3. Whether or not it is Spring , Summer , Autumn or Winter is irrelevant. A disturbance is an anti-social behaviour and the increase over the past year should not be allowed to continue regardless of the season. It should also be tackled before the tourist season so that what has become an increasing habit over the past year ceases now .

Logging calls started after pavement discussion with community police officer.

Examples 25/ 09 / 2015 log 3469, ? log 3580 , 9 / 10 /2015 log 3893, 15/10/2015 log 10653 ,

4. I made calls to 101 before and after Christmas with a gap whilst away for two and a half weeks. I have made calls since but it appears that the LSO has only those in his report.

The last call of two on the same night took place after I had written to you, the Licensing Authority, the Community warden team, The community Police officers and the Community Council.

It is distracting these groups from other serious issues.

It is not what i want to be doing neither do I like not being able to use my front bedroom .

**On 4 /03 /2016 at about 10.15 and 5 /03.2016 at 01.15**

\* A group of three couples left the pub at 01.15 and sat on the garden wall of Ithica Cottage opposite the pub and below 12 Forth Street. Five of them then played around in the garden area and one actually sat on the stone window ledge against the window. He then went down Lorne Lane talking loudly about relieving himself.

It is fortunate that the resident of 12 was away from home and that there were no holiday makers in the holiday flat below.

I accept that this took place off the pub and after hours but it was directly linked to them leaving the pub and not moving off.

5. The answering service or no service at the antisocial behaviour office has not been useful for me.

6. Police officers have visited and confirmed that we should continue to ring 101. This is always handled with respect and we recognise that incidents are short -term in relation to others officers are covering.

7. We have not seen anyone out every fifteen minutes monitoring smokers but have noticed fewer cigarette ends dropped by our homes since the notice went in the window, about not smoking beyond a certain point however it does not control the noise levels if noisy people are there.

8. The 999 call made concerning the young person being kicked whilst on the ground and the call made by a resident of Seabeach Cottage down Viewforth because of a fight which involved someone being banged against the house wall in pitch darkness involved people who had been in the pub.

9. None of us is unrealistic about the need to trade . We want the pub to co-exist with its neighbours but the **neighbours have work and school to go to before the pub opens** so deserve a good night's sleep. Why does the pub remain open to 12 midnight on a Sunday and to 01.00 on a Thursday night / Friday morning?

It would be better for Friday and Saturday to have the late hours and Sunday through to Thursday 11.30 p.m. closing.

Again I , a complainant , emphasise that we feel there has to be support from the local authority for residents and publican , so that the residents are comfortable in their own homes and that the pub becomes popular because of its reputation for consideration and client management.

Yours sincerely, Wilma Shaw.

Winter, Maree

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**From:** wilma shaw [REDACTED]  
**Sent:** 21 March 2016 13:15  
**To:** Winter, Maree  
**Cc:** Goodfellow, Jim; Innes, Willie; Grant, Donald; Trotter, Tom; Akhtar, Shamin; Currie, Stuart; Mcallister, Fraser; Fruzynski, Rudi; dorothy boyle; Grant, Wilma; Short, Penny; Elliot, Fiona; Cosgrove, Allison; McKenzie, Cath (PA)  
**Subject:** Re: Police Response to Auld Hoose review request ;complainant's response.

Re This report: there are numerous factual errors.

Neighbours are not complaining about the landlord's control of drinkers within the pub but about their behaviour on smoking breaks and on leaving the premises.

The general impression given by this report is that complainants are fussing about minor disturbances. This is not so.

Police have not mentioned the time gap between call and attendance if such happened.

Residents do not expect police officers to be free to move in right away to 101 calls and therefore recognise that disturbances outside and on their properties may have ceased if and when anyone arrives.

Of course behaviour changes as police arrive ; that would seem an obvious response.

The report states incidents at Auld Hoose occurred at the Ship Inn. Have two reports been mixed up?

I mentioned in one call to 101 that a police officer had said to me that similar anti-social behaviours were occurring outside the Ship Inn . I did not make any complaints about behaviour at the Ship Inn.

I did not telephone about the young, drinker being kicked as my neighbour did make the call to 999 , which has been erroneously reported here.

Glassing is never play fighting. The victim will be permanently traumatised and possibly physically scarred. If the landlord or any other, calls 999 for such a situation it is clearly seen as an unacceptable, unsafe behaviour. This comment demeans the police. It is a shocking description of a violent assault with potential for serious outcomes.

I reiterate that we are not complaining about behaviours within the pub but about street behaviours which occur because some people who frequent the pub behave irresponsibly outside our homes. When on smoking breaks , popping out to talk to people drawn up in cars and as they leave the pub but do not move on home.

It is not possible to attend this meeting but I am unhappy at the implications that the residents are aiming to harm the reputation of the publican or to be spoilsports.

I am angered by the numerous incorrect details.

Yours sincerely, Wilma Shaw.

Sent from my iPad

On 21 Mar 2016, at 10:12, Winter, Maree <[mwinter@eastlothian.gov.uk](mailto:mwinter@eastlothian.gov.uk)> wrote:

Hi,

Please find attached police report re: review Auld Hoose. This report was received after the agenda was printed. I shall bring copies to the board meeting.

Regards

Maree

Licensing, Administration & Democratic Services.

East Lothian Council.

01620 827867

By email

Our Reference: MF/mjw/EN/L/L1

Date: 24<sup>th</sup> March 2016



Mr. N Rex Homer

Kirstie MacNeill  
CLERK OF THE LICENSING BOARD

John Muir House  
Haddington  
East Lothian  
EH41 3HA  
[licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

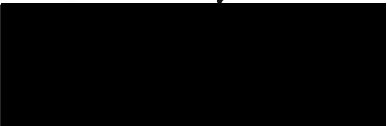
Dear Mr Homer,

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Yours sincerely

  
Morag Ferguson  
Depute Clerk to the Licensing Board

Direct Dial : 01620 827867 (Maree Winter)  
E-mail : [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

N. Rex Homer 	Phone Mobile Email Date 22 March 2016
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The Clerk of the Licensing Board  
 East Lothian Council,  
 John Muir House,  
 HADDINGTON EH41 3HA  
 Edinburgh EH15 2DX

Letter by email

Dear Madam,

**AULD HOOSE Pub, 19 Forth Street, North Berwick**  
**Letter of Complaint regarding noise and disturbances linked to the premises**

I am writing this as a formal letter of complaint regarding the Auld Hoose Pub in North Berwick. I have read the letter by Mrs Wilma Shaw addressed to you and am very supportive of her complaints and comments. I am aware that other nearby residents have made complaints to you and / or the Police.

My home, with two front bedrooms, is diagonally opposite the front door of the Auld Hoose. All too often I witness persons exiting the Auld Hoose to smoke and spill onto the roadway from the narrow pavement. As with most people, my tolerance level of noise rapidly 'evaporates' after 22.00 hours. Currently it is only that I call the Police when (1) the noise is late, excessive and awakes me in the bedroom at the rear of my house or (2) a fight seems to be in progress.

It is very, very rare that I see the licensee appear at the front door whilst there is excessive noise. The noise pollution from the premises is, to me, excessive and not controlled in any effective manner. The surrounding area of the Auld Hoose premises is residential except for one hair dressers shop.

Regarding the current licensed hours of the premises, 'on consumption' licensed closing time is always after 23.00, after midnight on Sundays and after 01.00 on Thursday, Friday and Saturday.

**Actual dispersal time from the premises often runs on for another 20 minutes after licensed closing time.**

**I do not take kindly to being woken up from a deep sleep after 22.30 because the licensee, in my opinion, is very negligent in taking appropriate action to stop noise pollution.**

The actions that I ask the Licensing Board to consider are:

**\*\* That 'On consumption' Licensing to be amended:**

**Sunday to Thursday 11.00 to 23.00 Thurs, Fri, Sat 11.00 to 23.59**

**Premises to be vacated within 15 minutes of above closure times.**

('Off sales' Licensing remaining as at present is acceptable;- 11.00 to 22.00 each day of the week .)

- \*\* That from 21.00 hours until all customers have left the premises, that all times there is a door keeper to monitor noise levels and endeavour to eradicate noise pollution.
- \*\* That the Auld Hoose are required to monitor noise levels at the pub doorway and that such can be recorded in a manner that Police can verify.
- \*\* That for each disturbance that generates a complaint to the Police, the Auld Hoose are automatically fined £150.00 by the Licensing Board. In such cases it will be up to the licensee, if he wishes to challenge the fine, to provide evidence that the complaint was not justified.
- \*\* That a 'curfew' is invoked whereby no 'new' customer can enter the premises after 23.00 hours.
- \*\* To support a potential relaxation in anti- smoking regulations for licensed premises to have a 'smoking room' with approved mechanical ventilation, thus obviating the necessity of smokers to congregate outside the premises, often to the inconvenience of passing pedestrians and noise pollution to nearby residential property.

Yours sincerely



N. Rex Homer

# EAST LoTHIAN COUNCIL

## LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

**Rudi Fruzynski,**  
Licensing Standards Officer

**Kirstie MacNeill**  
Clerk to the Licensing Board

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Date: 04 March 2016

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

On Monday 29<sup>th</sup> 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 Mrs Wilma Shaw, and Mrs Dorothy Boyle who reside at [REDACTED] respectively, in a recessed area immediately adjacent to the Auld Hoose, and Mr Ian Lewis, [REDACTED]

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

At 22:41 on Thursday 16<sup>th</sup> July 2015 Mrs Boyle 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 Mrs Boyle 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 Mrs Boyle with a view to confirming fuller details of the problem for the information of the Night Time Noise Team (NTNT).

On Friday 14<sup>th</sup> September 2015 Mr Lewis 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), Mr Lewis 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 19<sup>th</sup> September 2015, Mr Lewis 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 25<sup>th</sup> September 2015, the LSO returned from holiday and contacted Mr Lewis. 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 Mr Lewis 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.

Mr Lewis 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 Mr Lewis and the NTNT could use should further problems arise and this would allow for the problem to be dealt with immediately.

Mr Lewis acknowledged the action taken with thanks. However, he went on to say at 22:30 on 26<sup>th</sup> 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 Mr Lewis. 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 Mr Lewis for his name and enquired where he lived, which Mr Lewis felt was quite threatening. The noise continued and Mr Lewis telephoned the police.

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

On 28<sup>th</sup> September 2016 Mr Lewis 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. Mr Lewis 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 Mr Lewis were fed back to Mr Edwards, who acknowledged Mr Lewis's calls at the weekend and stated he had dealt with the first complaint at 22:30 on 26<sup>th</sup> 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 Mr Lewis 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 Mr Lewis 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 Mr Lewis's name and address and he simply wished to gauge where Mr Lewis resided in relation to the group of persons outside. He said Mr Lewis 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 Mrs Wilma Shaw. 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. Mrs Shaw 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 9<sup>th</sup> 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 Mrs Shaw's letter and earlier complaints from Mr Lewis 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 29<sup>th</sup> February 2016 when an email was received at the Licensing Admin Office from Mrs Shaw 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, Mrs Shaw 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. Mrs Shaw stated she was wary about going out in the evening to challenge such anti-social behaviour.

Mrs Shaw 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. Mrs Shaw 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 1<sup>st</sup> March 2016 the Licensing Admin Office received a letter from Mrs Boyle 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 13<sup>th</sup> 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 27<sup>th</sup> 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, Mrs Boyle, 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 seven year old daughter witnessing one such event, which was reported to the police. She reiterated the disturbance, as specified by Mrs Shaw, 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.

Mrs Boyle 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 Mr Lewis. 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.



**POLICE  
SCOTLAND**

Keeping people safe

Date: 16<sup>th</sup> March 2016

Your Ref:

Our Ref: J/LIC/3705/HB

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

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Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
PREMISES LICENCE REVIEW HEARING  
AULD HOOSE, 19 FORTH STREET, NORTH BERWICK**

With reference to the above, a review of the premises licence has been requested by Mrs Wilma Shaw via East Lothian Licensing Board, in respect of the premises pertaining to 19 Forth Street, North Berwick, which is currently trading as the Auld Hoose. The current premises licence holder is Greene King Brewing & Retailing Ltd, Westgate Brewery, Bury St Edmunds, Suffolk. The designated premises manager is Craig Edwards, [REDACTED]

The licensed hours operated by these premises for 'on consumption' are as follows:

Monday – Wednesday: 1100 – 2300 hours  
Thursday - Saturday: 1100 – 0100 hours  
Sunday: 1100 - midnight

Off sales are permitted between the following hours:

Monday – Sunday: 1100-2200 hours

On 1<sup>st</sup> March 2016, East Lothian Licensing Board requested a report from the Chief Constable in relation to the premises known as the Auld Hoose, this was in response to an email received from Ms Wilma Shaw complaining about the "antisocial behaviour of clients of the premises."

I can report that over the last year there have been 18 recorded incidents to the premises mainly relating to noise complaints reported by residential neighbours. 1 of the recorded incidents related to a male being 'glassed' within the premises. Details of these calls are listed below for your consideration.

**Saturday 16<sup>th</sup> May 2015 (incident 0119 refers)**

At 0034 hours, call received from Wilma Shaw reporting noise coming from the premises. At 0106 hours Police attended and spoke with staff member Gavin Bathgate who confirmed that a group had recently left the premises behaving in a boisterous manner. These persons had dispersed prior to police arrival and all was quiet.

**Saturday 6<sup>th</sup> June 2015 (incident 0098 refers)**

At 0027 hours, call received from Wilma Shaw reporting noise coming from people leaving the premises. Police were unable to attend this call due to other incidents ongoing elsewhere.

**Sunday 12<sup>th</sup> July 2015 (incident 0286 refers)**

At 0117 hours, call received from Homer Neville reporting people standing outside in the street talking loudly and shouting. At 0128 hours Police attended, premises were closed, no noise was heard and a small group were making their way home.

**Thursday 16<sup>th</sup> July 2015 (incident 3330 refers)**

At 2242 hours, call received from Wilma Shaw reporting of lots of noise coming from patrons outside the premises. Police were unable to attend this call due to other incidents ongoing elsewhere. At 2326 hours Wilma Shaw was contacted by the police control centre and confirmed that the patrons had now dispersed.

**Sunday 19<sup>th</sup> July 2015 (incident 0138 refers)**

At 0029 hours, call received via the Scottish Ambulance Service reporting that a male had been assaulted within the premises with a bottle. At 0047 hours Police attended and spoke with staff member Gavin Bathgate. It was established that two males had head injuries and that they had been in the company of the suspect when they all started to 'play fight' resulting in the suspect striking one of the males over the head with a bottle and another male over the head with a pint glass.

The two injured males were treated by the ambulance service and both had 'steri strips' as treatment, they were not conveyed to the hospital and it was assessed that they had sustained relatively minor injuries.

The male responsible was later detained that night having left the premises prior to police arrival. He was arrested and cautioned and charged with culpable & reckless conduct and assault to injury.

On 14<sup>th</sup> February 2016 the procurator fiscal took no further proceedings against him.

#### Monday 20<sup>th</sup> July 2015

Following the incident on the 19<sup>th</sup> July, the licensing officer visited the premises the following day. During the visit, it was established that the phone line within the premises was not working, that there was no premises licence on display and the staff member on duty could not locate his training record. Advice was also given in relation to utilising an incidents/refusals book as a matter of 'good practice'. The recent noise complaints were also brought to the managers attention.

#### Monday 27<sup>th</sup> July 2015 (incident 0041 refers)

At 0022 hours, call received from Wilma Shaw reporting approx 5 persons outside the premises kicking bins and shouting. Police were unable to attend until 0355 hours due to other incidents ongoing elsewhere. At that time the premises were obviously shut and the street quiet.

#### Friday 31<sup>st</sup> July 2015

During the evening of Friday 31<sup>st</sup> July the Licensing Officer visited the premises and spoke with staff there. A check was made of the training records, incident book and paperwork, following on from the visit made on the 20<sup>th</sup> July 2015. The continued noise complaints were also discussed and staff were reminded of their responsibility to make regular checks outside during trading hours and at dispersal time. There were no issues identified during this visit.

#### Saturday 5<sup>th</sup> September 2015 (incident 0254 refers)

At 0113 hours, call received from Homer Neville reporting that a number of patrons leaving the premises were causing a noise nuisance by shouting and talking loudly. At 0122 hours Police attended to find the premises closed and the patrons had moved on.

#### Saturday 19<sup>th</sup> September 2015 (incident 0135 refers)

At 0029 hours, call received from Ian Lewis reporting noise from patrons outside the premises. At 0033 hours Police attended and spoke to a group outside who claimed that they had just arrived and were not the ones causing the issues.

#### Saturday 19<sup>th</sup> September 2015 (incident 0312 refers)

At 0118 hours, call received from Ian Lewis again reporting a group of approx 20 patrons outside the premises causing noise. At 0128 hours Police attended to find the premises closed and the street all quiet.

Saturday 26<sup>th</sup> September 2015 (incident 3469 refers)

At 2212 hours, call received from Wilma Shaw reporting noise coming from patrons outside the premises who were smoking. There was no Police attendance and an email was sent to East Lothian Council noise team.

Sunday 27<sup>th</sup> September 2015 (incident 0330 refers)

At 0128 hours, call received from Ian Lewis reporting drunk patrons spilling out of the premises making a lot of noise and shouting. At 0134 hours, Police attended to find the premises closed and no persons in the street.

Friday 9<sup>th</sup> October 2015 (incident 3893 refers)

At 2341 hours, call received from Wilma Shaw reporting noisy patrons outside the premises. At 0025 hours Police attended and reported no noise, some patrons were outside smoking but were not causing any issues.

Saturday 24<sup>th</sup> October 2015 (incident 3580 & 3680 refers)

At 2300 hours, call received from Wilma Shaw reporting that persons outside the premises were shouting and swearing and causing general noise. At 2326 hours a further call was received from Dorothy Boyle reporting a crowd of youths outside the premises, challenging persons who were coming out of the premises, to fight. At 2340 hours Police attended and made a search of the area. There was no trace of the youths.

Saturday 7<sup>th</sup> November 2015

During the evening of Saturday 7<sup>th</sup> November the Licensing Officer visited the premises and spoke with the manager. The continued noise complaints were discussed and the manager was reminded of his responsibility to make regular checks outside during trading hours and at dispersal time. There were no issues identified during this visit.

Tuesday 1<sup>st</sup> December 2015 (Operation Snowflake)

Premises were visited by Police as part of a pre Christmas initiative. No issues identified.

Saturday 12<sup>th</sup> December 2015 (Operation Snowflake)

Premises were visited by Police as part of a pre Christmas initiative. No issues identified.

Monday 14<sup>th</sup> December 2015 (incident 0132 refers)

At 0122 hours, call received from Homer Neville reporting shouting outside the premises. Police were unable to attend due to other ongoing incidents until 0247 hours when they reported the premises closed and the street outside all quiet. On Monday morning the Licensing Officer made contact with this complainer and apologised for the

lack of police attendance due to other ongoing calls. He was advised to continue to call the Police and the ELC noise team should there be any other disturbances.

Friday 18<sup>th</sup> December 2015 (CAV)

Premises were visited by the Licensing Officer as part of a pre Christmas initiative. No issues identified.

Saturday 13<sup>th</sup> February 2016 (incident 0134 & 0155 refers)

At 0046 hours, call received from Craig Edwards manager at the premises reporting 2 males fighting outside the pub. He stated that they were not patrons and had nothing to do with the premises. At 0055 hours, a second call from Ian Lewis was received reporting a disturbance outside the premises. At 0106 hours Police attended but the persons involved had left the vicinity.

Saturday 27<sup>th</sup> February 2016 (incident 27/02/2016)

At 2258 hours, call received from Dorothy Boyle reporting a group of 10 persons fighting outside the premises. At 2312 hours Police attended to find nothing ongoing. A group outside stated that they had been there for approx 30 minutes and had not seen anything. Staff were also spoken to but nothing had been seen. The police control centre called the informant Ms Doyle back who stated that the disturbance was nearer the Ship Inn.

Friday 4<sup>th</sup> March 2016 (incident 3326 refers)

At 2211 hours, call received from Wilma Shaw reporting 2 males from the premises approaching her car and entering neighbours gardens. At 2227 hours Police attended and spoke to 2 persons outside the premises who were smoking and made enquires within the premises with staff. No persons matched the description given by the complainer.

Saturday 5<sup>th</sup> March 2016 (incident 0290 refers)

At 0134 hours, call received from Wilma Shaw reporting 6 persons in the street being very noisy and one male was seen urinating in Lorne Lane. Whilst on the phone all 6 persons had moved away from the area towards the High Street. Police were unable to attend this call due to ongoing incidents elsewhere.

The Auld Hoose is a generally well run establishment with little or no incidents occurring on the premises. As detailed above there has been one 'glassing' incident which following police enquiry turned out to be a group of male friends who's 'play fighting' just got a bit out of hand, resulting in two male sustaining minor head injuries. The male arrested and charged with this incident was very remorseful and had no police record prior to this incident. As previously stated above, the procurator fiscal has taken no proceedings against him and the case was 'dropped'.

It does appear from the noise complaints detailed above that the majority of them are occurring at dispersal time, when the premises are closing. It also appears that the

noise nuisance only occurs for a short period of time. In more cases than not, patrons have dispersed the area prior to police arrival.

The licensing officer has always found the staff and manager Craig Edwards to be cooperative and approachable during the visits made to the premises and apart from one or two issues with training records and paperwork the premises are a well run establishment in North Berwick.

This report is submitted for the attention and information of the Licensing Board, in consideration of the request for a review by Wilma Shaw.

Yours faithfully

PC Heather Bowsher  
Divisional Licensing Officer

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

Rudi Fruzynski,  
Licensing Standards Officer

Kirstie MacNeill  
Clerk to the Licensing Board

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Date: 30 August 2016

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

Licensing Standards Officer's monitoring report, taking in the period 24th March to 29th August 2016 respectively.

Submitted for the information and consideration of the Licensing Board.

R. Fruzynski  
Licensing Standards Officer



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## Licensing Standards Officer's Report

On Thursday 24th March 2016, a hearing was held by the Licensing Board to review the Premises Licence of the Auld Hoose, Forth Street, North Berwick. The review was based on complaints from residents that they were being disturbed by noise and nuisance from patrons who congregated outside the pub for a smoke; sometimes urinated against the wall and wheelie bins adjacent to neighbours property; from boy racer types who drew up loudly outside the pub, revved their car engines and took off noisily when leaving; and from noisy inconsiderate customers leaving at closing time.

The hearing heard from a representative of the complainants, the Licensee's solicitor, the Landlord and the Licensing Standards Officer. The issues were discussed and the Board heard how a number of measures had already been put in place to reduce the problems outlined. These measures had not fully bedded in by the time of the hearing. Board members concluded that the complaints received were reasonable, that they acknowledged that management of the premises were taking the issues seriously and had liaised with the LSO to put in place constructive resolutions, but were of the opinion that a period of mediation and monitoring over six months would be beneficial to see if agreed interventions were working and having a positive effect.

On Wednesday 20<sup>th</sup> April 2016 a meeting of Interested Parties was held at the Hope Rooms, North Berwick. The meeting was well attended by Mrs Boyle and Mrs Shaw, residents of [REDACTED] Mr Craig Edwards, Landlord and Mr Gavin Bathgate, Barman, Auld Hoose; Miss Elaine Kennedy, Belhaven Pubs; Mr Niall Hassard, TLT Solicitors; Mrs Smith and Mr Hamilton, North Berwick Community Council; Mrs Shona Grant, Environmental Protection; Constables Deborah Gray and Ian Paterson, Community Officers, Police Scotland; and Rudi Fruzynski, LSO. Apologies were received from Mr Homer and Mr Lewis, residents of Forth Street and Inspector Alan Hogarth and Constable Bowsher, Police Scotland, all of whom submitted a letter or notes on their views prior to the meeting.

Everyone at the meeting was given the opportunity to share their concerns and observations. In brief the residents reflected on the issues which impact on their quality of life. Mrs Boyle and Mrs Shaw asked that everyone be clear that they only had issues with the actions of people outside the Auld Hoose and not within. They also stated that they considered that it was not just the landlord who required to take action to sort problems, but felt that the police and community wardens all had a part to play in patrolling the area to deter anti-social behaviour and to allow residents the peace and quiet they should expect and prevent sleep disturbance.

Mr Hassard spoke about the zero tolerance policy of the Licensee to anti-social behaviour and that a number of measures had been put in place to prevent noise and disturbance in the street outside the pub. These included checks on smokers every 15 minutes at busy periods to ensure they conduct themselves in an orderly manner; large signs have been put up inside both exit doors advising patrons to be mindful of residents peace and quiet; a large sign had been put up in the bar to encourage persons who require a taxi home to order it at least an hour before leaving due to the shortage of taxis in the area and the time it takes for them to arrive. Staff are

only too willing to phone for a taxi for customers, if requested. Mr Hassard was heartened that residents had no issues with operations inside the pub and felt that the Landlord and Licensee could play a big part in educating their clientele to co-operate and not cause problems outwith that would impact on the Premises Licence. He stated that with the regular checks made by staff and calls to the pub from the residents when unacceptable behaviour was experienced, perpetrators could be identified and warned, or barred if they failed to desist. Other measures put in place included a requirement for staff to record all complaints, incidents, visits in a handover book, which would be available for inspection by the LSO and police, and that residents and Craig Edwards would exchange contact details with a view to communicating information on problems and actions taken to alleviate them.

Mr Lewis's proposals that the Auld Hoose hours should be restricted to 11pm and that door staff should maintain good order outside the premises were discussed. Mr Hassard highlighted that reducing the opening hours would ultimately result in custom from the pub going elsewhere and that the premises would have to close. In respect of door staff, this was a consideration, but it would be difficult to gauge when it would be busy and when it would not. Door staff costs could not be sustained. It was felt that the outside noise problems could be managed by the actions already discussed.

Mr Homer proposed a reduction of hours on a Thursday to Sunday evenings to 11.30pm, that the side door of the pub be the only door open after 10.30pm; that last orders be 15 minutes prior to closing time; that CCTV should be installed along with a machine to record 15 minute checks by staff of persons smoking outside the premises and that this be of a quality that the police approve; that door stewards be requisite after 10.30pm and that notices concerning noise disturbance to neighbours be more conspicuously displayed. In addition Mr Homer felt that it was not the police responsibility to prevent disruption, but that of the landlord and licensee. Many of these issues had already been discussed and responded to, but the matter of CCTV was left open for Belhaven to consider and discuss further with the landlord.

PC Ian Paterson stated that Inspector Hogarth had briefed him on his views on the situation and stated that the Inspector has asked his Response Teams and community officers to factor in more visits to the Auld Hoose in the future. He could not guarantee officers would be able to respond immediately to a noise call, but an Object Marker had been placed on the police computer asking that all calls be attended to. Visits would be a focal point of the police night time dispersal plan for licensed premises and he was confident that the police, working together with the licensee, could educate patrons to leave the area peacefully. He was aware that the narrow streets etc only increase the problem of noise. Inspector Hogarth's direction was that the police will respond to incidents and will try to be more visible, other duties permitting. He stated North Berwick was fortunate to have two excellent Community Ward officers in Debbie Gray and Ian Patterson, who will work in regular visits to the pub when on duty. He re-iterated that he was confident that the police could pull this together and follow up will be done on any call left unattended. He could not guarantee that the problem will disappear altogether, as associated noise and pubs go together, but anything untoward will be investigated and any offences will be robustly pursued.

At the conclusion of the meeting, Mrs Boyle and Mrs Shaw, and the representatives of the Auld Hoose stated that they were confident that good communication was the key to resolving problems and felt that no further meeting was necessary at that time.

After the meeting Craig Edwards provided his direct and personal contact details to Mrs Shaw and Mrs Boyle who both agreed that they would use it to report issues contemporaneously so Craig can deal with them "there and then".

Full notes of the above meeting is shown at appendix 1 attached. These notes were circulated by email to all interested parties.

### Monitoring Period Notes

#### April 2016

22:40 – 22:50 15/04/2016 – Night Time Noise Team Officers monitored patrons. No noise from inside the pub. Two young men seen going outside for a cigarette, but little was said. No issues noted.

23:05 – 23:05 16/04/2016 – Night Time Noise Team Officers monitored patrons. No noise from inside pub. 6 young people outside smoking noisily.

No problems reported to the Anti-Social Behaviour Helpline in April.

#### May 2016

No problems reported to the Anti-Social Behaviour Helpline in May.

#### June 2016

No problems reported to the Anti-Social Behaviour Helpline in June.

Mr Lewis emailed the LSO with a log of noise nuisance he had experienced and recorded between 01/05/2016 and 19/06/2016. In summary the log highlights instances of noise nuisance between 23:00 and 01:30 hours from persons outside the pub late in the evening and patrons leaving at closing time. The full log, which was later updated by Mr Lewis reflecting his experiences up to 28<sup>th</sup> August 2016, is shown at Appendix 5.

Mr Lewis's log was passed on to the pub's licensee and Landlord for their information and response. Mr Edwards wrote back stating the Mr Lewis complaints reflected times and instances when the pub was closed. Mr Edwards response to the alleged instances of nuisance is shown at Appendix 6.

The LSO acknowledged Mr Lewis's email and receipt of his log of events. He was advised that it would be helpful if he could contact the police at the time he experienced disturbance or

telephoned the Anti-Social Behaviour helpline at the time when noise from the premises was a problem in order that officers could call by, observe and take appropriate action. These calls would be logged and provide an independent assessment of the situations as they occurred. It was also suggested that Mr Lewis contact PCs Gray and Paterson, North Berwick Community Officers with any matters he felt the police could help with. Both officers had attended the meeting of interested parties in April and had offered to meet and discuss local issues at any time.

### July 2016

No problems reported to the Anti-Social Behaviour Helpline in June.

16/07/2016 – Mrs Shaw made contact with the LSO and expressed her disappointment at an article shown in the local press concerning comments about complaints discussed by the police at the monthly local community council meeting. She felt that the comments were unhelpful to the situation. She went on to say that about a week previously she had experienced shouting, swearing and inappropriate behaviour by Auld Hoose patrons taking place in the street at 00:50 hours. The persons were strangers sitting on a neighbour's doorstep. She had telephoned the police, but before they arrived, Mr Edwards had gone out to the group and the nuisance stopped. (Full comments at Appendix 2)

### Liaison with Licensee

The LSO, Licensee, Landlord and Mr Niall Hassard have maintained regular contact during the period of monitoring.

On 22nd July, Elaine Kennedy met with the LSO when she proposed sending a letter to the four neighbours involved in this case requesting if they had any issues that Belhaven Pubs had not been made aware of since the meeting of interested parties in April. This letter was compiled and the LSO forwarded it on by email to the parties concerned. A copy of this letter is shown at Appendix 3.

Mr Homer responded to the aforementioned letter on 12<sup>th</sup> August. In summary he stated he had been away quite a bit over a period of three months, but he had in general heard some noise in the street after 23:00 in the evenings at the weekend, although it was less frequent since April. He cited one instance in particular when he was disturbed from sleep at 01:10 on 7<sup>th</sup> August by a large group in the street that seemed to be departing from the Auld Hoose, one of which appeared to have urinated in the shadows of the gable end of the pub.

Mr Homer stated that he felt that the Auld Hoose staff need to use considerable more energy to reduce noise levels and make more frequent external checks. He would also like to see improved lighting outside the premises at the east gable end of the building and a notice in each window of the 6 pub windows and either side of the doorway reminding customers to keep the noise down.

A copy of Mr Homer's letter is shown at Appendix 4.

Mr Lewis's response to the letter and log of incidents is also attached to this report at Appendix 5. A summary of his views is that he does not feel the agreed actions to reduce the noise issues at the Auld Hoose were being implemented or that they were ineffective. He stresses that his sleep is frequently being disturbed by patrons of the pub and as such his health is being affected. He recommends that the pub's licensing hours should be restricted to a terminal hour of 23:00 each night.

Mrs Shaw's response to the Belhaven letter indicated that there were less frequent intrusion by smokers wandering round to the neighbours area, but it did still happen from time to time and that there were still a few inconsiderate customers who caused disturbance, particularly at closing time. She is still of the opinion that there should be more police and warden patrols to move persons on in the street, prevent the occasional urinator and provide better support to the residents and publican.

A copy of Mrs Shaw's email is shown at Appendix 7.

### LSO Visits

Throughout the monitoring period the LSO has frequently visited the premises and liaised with the Landlord.

On Friday 5th August unannounced observations were made at the pub. At 22:30 there were 4 smokers customers outside having a quiet smoke. It was noted that the barman, Gavin Bathgate was also outside conducting a customer check. At 23:15 the LSO entered the premises and spoke with Mr Bathgate. At the time of the visit 4 young women were leaving, 10 persons were in the bar sitting in groups of two or three, and similarly there 10 persons seated in the lounge area. Further observations were taken of the premises at 24:00 when the number of persons were inside the pub were about the same as before and there were no smokers outside due to the torrential rain. A planned dispersal time visit did not happen due to transport problems.

On Saturday 13th August further unannounced observations were made at the pub. This was an evening during the fringe by the sea event and the town was busy. At 22:50 there was one customer outside the pub having a quiet smoke. Shortly after arrival, 2 persons left by the front door then 2 groups of four left by the side door. All left peacefully. A short time later another two person left quietly. Then, about 23:10 there was some loud voices heard and a group of 4 persons appeared from the direction of Quality Street and walked along the road passed Mr Lewis's house. Shortly thereafter the LSO went into the pub and noted that the premises were very quiet. There were 10 persons in the bar and only 8 persons in the lounge area.

At 00:30 the LSO and police called back at the pub. There appeared to be approximately 20 persons in the pub and three smokers outside. These persons were known to the officers and were spoken to. They were friendly and quiet.

Details of the above mentioned visits were made known to the Landlord on 18th August.

### Police report

A separate police report will be submitted by the Police Licensing Officer.

### LSO Comments and Conclusions

It is the opinion of the LSO that the meeting of interested parties held on 20<sup>th</sup> April 2016 was positive and that the attendees left with the full expectation that the issues concerning patrons outside the Auld Hoose could be sorted.

With the exception of one instance, the limited number of observations made by council officials and the police after 22:00 hours at weekends did not generally reveal any problems concerning patrons smoking outside the pub or when coming and going. The numbers of customers drinking in the pub late in the evenings were low compared to other North Berwick Premises, which tended to be full.

The Auld Hoose only has live music three times a year. The rest of the time the juke box is used and operated on a sound limiter.

It is confirmed that the pub displays large signs at each exit reminding patrons going outside to be respectful of the neighbours' peace. Large informative signage is also displayed stating that those who require a taxi should order one before midnight due to the shortage of service in the town. Bar staff will order taxis if asked. The staff are trained to make outside checks every 15 minutes and a well documented log is maintained of these checks. This log is available for inspection in the bar.

The whole town centre of North Berwick comprises narrow streets with high buildings, which in the evening's echoes loudly with the sound of persons who are out and about. Indeed it only takes a couple of people talking at a reasonable level to sound loud. Therefore, it will be very difficult for anyone to control the sound of persons moving about anywhere in the central area without disturbance being experienced.

The licensee and landlord have made considerable effort to control any inconsiderate behaviour of the pubs customers. This view is not shared by Mr Homer or Mr Lewis who live diagonally opposite the premises. However, without the introduction of costly door staff, or reduction of hours, both of which is likely to cripple the business financially, it is not known what more can be done to resolve this ongoing situation.

R. Fruzynski  
Licensing Standards Officer

## Auld Hoose, Forth Street, North Berwick

Meeting of Interested Parties Concerning Disturbance and Noise Issues  
19:30 on Wednesday 20 April 2016 at the Hope Rooms, Forth Street, North Berwick

### Apologies for non attendance:

Mr Ian Lewis and Mr Rex Homer (residents of [REDACTED] North Berwick).  
Inspector Alan Hogarth and PC Heather Bowsher (Police Scotland).  
Kenneth Black, Anti-Social Behaviour Team Manager.

### Attendees:

Mrs Dorothy Boyle and Mrs Wilma Shaw (residents of Forth Street, North Berwick).  
Mrs Kathryn Smith and Mr Peter Hamilton (North Berwick Community Council).  
Mr Craig Edwards (Landlord, Auld Hoose).  
Mr Gavin Bathgate (Barman, Auld Hoose).  
Ms Elaine Kennedy (Belhaven Pubs).  
Mr Niall Hassard (TLT Solicitors representing Belhaven Pubs)  
Mrs Shona Grant (Principal Officer, Environmental Protection, East Lothian Council)  
PCs Deborah Gray and Ian Paterson (Community Officers, Police Scotland).  
Mr Rudi Fruzynski (Licensing Standards, East Lothian council). Meeting Chair.

### Introductions:

Rudi Fruzynski led a round of introductions of all persons present.  
Mrs Boyle and Mrs Shaw then presented the residents views on issues concerning disturbance and noise linked to patrons and visitors of the Auld Hoose, which in brief relate to noisy smokers; noise of persons at closing time loitering in the street; persons sitting on residents steps talking on mobile phones or drinking bottles of beer; urinating in the gardens or against wheelie bins; and frequent visits to the pub by boy racer types who draw up sharply, rev their engines, sit with their engines running and pull away fast and noisily. Both residents made it quite clear that they only had issue with the actions of people outside the Auld Hoose and not within. Disturbance impacted on residents' ability to get to sleep. Mrs Boyle and Mrs Shaw both pointed out that they considered that it was not just the landlord who required to take action to sort the problems, but felt the police and wardens all had a part to play in patrolling the area to deter anti-social behaviour and to allow residents the peace they should expect.

Niall Hassard outlined the zero tolerance policy of the Licensee to anti-social behaviour. He stated that the Landlord had put in place a number of measures to prevent noise and disturbance issues occurring in the narrow street outside the pub. These included checks on smokers every 15 minutes at busy periods to ensure they conduct themselves in an orderly manner; large signs have been put up inside both exit doors advising patrons to be mindful of residents peace and quiet; a large sign had been put up in the bar to encourage persons who require a taxi home to order it at least an hour before leaving due to the shortage of taxis in the area and the time it takes for them to arrive. Staff are only too willing to phone for a taxi for customers, if requested. He was heartened that residents had no issues with operations inside the pub and felt that the Landlord and Licensee could play a big part in educating their clientele



to co-operate and not cause problems outwith that would impact on the premises Licence. He stated that with the regular checks made by staff and calls from the residents when unacceptable behaviour was experienced, perpetrators could be identified and warned, or barred if they failed to desist. Other measures put in place was a requirement for staff to record all complaints, incidents, visits in a handover book, which would be available for inspection by the LSO and police and that residents and Craig Edwards would exchange contact details with a view to communicating information on problems and actions taken to alleviate them.

Mr Lewis's proposals that the Auld Hoose hours should be restricted to 11pm and that door staff should maintain good order outside the premises were discussed. Niall Hassard highlighted that reducing the opening hours would ultimately result in custom from the pub going elsewhere and that the premises would have to close. In respect of door staff, this was a consideration, but it would be difficult to gauge when it would be busy and when it would not. Door staff costs could not be sustained. It was felt that the outside noise problems could be managed by the actions already discussed.

Mr Homer proposed a reduction of hours on a Thursday to Sunday evenings to 11.30pm, that the side door of the pub be the only door open after 10.30pm; that last orders be 15 minutes prior to closing time; that CCTV should be installed along with a machine to record 15 minute checks by staff of persons smoking outside the premises and that this be of a quality that the police approve; that door stewards be requisite after 10.30pm and that notices concerning noise disturbance to neighbours be more conspicuously displayed. In addition Mr Homer felt that it was not the police responsibility to prevent disruption, but that of the landlord and licensee. Many of these issues had already been discussed and responded to, but the matter of CCTV was left open for Belhaven to consider and discuss further with the landlord.

PC Ian Paterson stated that Inspector Hogarth had briefed him on his views on the situation and stated that the Inspector has asked his Response Teams and community officers to factor in more visits to the Auld Hoose in the future. He could not guarantee officers would be able to respond immediately to a noise call, but an Object Marker had been placed on the police computer asking that all calls be attended to. Visits would be a focal point of the police night time dispersal plan for licensed premises and he was confident that the police, working together with the licensee, could educate patrons to leave the area peacefully. He was aware that the narrow streets etc only increase the problem of noise. Inspector Hogarth's direction was that the police will respond to incidents and will try to be more visible, other duties permitting. He stated North Berwick was fortunate to have two excellent Community Ward officers in Debbie Gray and Ian Patterson, who will work in regular visits to the pub when on duty. He re-iterated that he was confident that we can pull this together and follow up will be done on any call left unattended. He could not guarantee that the problem will disappear altogether as associated noise and pubs go together, but anything untoward will be investigated and any offences will be robustly pursued.

PC Paterson stated that both he and Debbie could be contacted to discuss issues if need be. He encouraged the landlord to call the police if patrons refused to move on.

Shona Grant stated that if residents' communication with the landlord and his staff did not resolve problems then they should call the Night Time Noise Team who operated a service from 10pm to 2am on Friday and Saturday evenings. As always, if the problem related to a serious disturbance or incident then the police should be called immediately.

Rudi Fruzynski went on to summarise the points discussed and offered to arrange another follow up meeting in two to three months time. Mrs Boyle and Shaw, and the representatives of the Auld Hoose stated that they were confident that good communication was the key to resolving problems and felt that no further meeting was necessary at this time.

Mrs Shaw re-iterated that the problems experienced were wholly to do with issues outside the pub and that she believed that the responsibility to keep the peace was not solely down to the landlord, but also that of the police.

All present agreed that the meeting of interested parties had been informative, positive and everyone looked forward to a resolution to the difficulties experienced in recent times.

At the end of the meeting Craig Edwards provided his direct and personal contact details to Mrs Shaw and Mrs Boyle who both agreed that they would use it to report issues contemporaneously so Craig can deal "then and there".  
The meeting closed at 9.10pm.

Email from Mrs Shaw Concerning Press Article & Additional Identified Problem 16/07/2016

Dear Mr Fruzynski,

Extract from Press Report 14/07/2016

*“Police have said they will continue to investigate complaints about noise from a North Berwick pub. Three calls were made to police about noise at the Auld Hoose, on Forth Street, in the last month as part of a long-running dispute between the pub and neighbouring residents. The issue was discussed at a meeting of East Lothian Council’s licensing board, where chairman and local ward member Jim Goodfellow ordered mediation meetings to take place. One meeting was held, and some issues resolved, but no date was set for a second meeting. Sgt ..., of North Berwick, told the town’s community council: ‘We’ve had three calls, but they’ve all come from the same source. We will, of course, still investigate them, but they maybe stand up less than if we’d had three calls from different people.’*

If you have read the above article you must like me find it unhelpful.

Perhaps the police, reporter and community council do not understand that noise outside one door of the pub may not affect neighbours who live at the other side therefore some do not call in a complaint.

Whether or not the complaints are from same person does not weaken the fact that irresponsible members of the public are making a noise nuisance which is disturbing someone who has the courage to object.

It does however indicate WHERE the recent troubles are occurring.

The police must surely never suggest that they take less seriously a complaint because the person most disturbed by the nuisance repeats complaints.

I wonder if the reporter understands how much most neighbours have stressed that the unacceptable behaviours are street based and that we do want to support a responsibly managed business.

I did make a report to 101 just a week ago because the shouting, foul language and inappropriate behaviours were taking place between my neighbour ,11 ' s doorstep (not my neighbour making the noise but strangers sitting, smoking on her step ) and the road outside pub door at 0.50 a.m. on Sunday.

I believe Craig came out to the group and that eventually the nuisance stopped.

Wilma Shaw.

Belhaven Letter to Residents



EK/AT/3997

11 August 2016

**Re: Auld Hoose, Forth Street North Berwick**

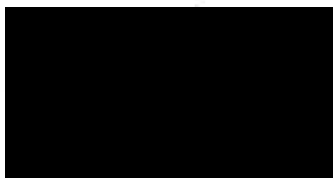
Dear

Re: Auld Hoose, Forth Street, North Berwick

Following our meeting back in April I have continued to liaise with our Licensing Standards Officer, Rudi Fruzynski, and my tenant at the Auld Hoose, Craig Edwards regarding the issues that brought us to the licensing board earlier this year. I wished to contact you directly myself to see if there might be anything that I might not be aware of that still might be causing you concern.

Should this be the case then please do contact me at [elainekennedy@greeneking.co.uk](mailto:elainekennedy@greeneking.co.uk).

Yours sincerely



**Elaine Kennedy**  
**Operations Manager**

Letter from Mr Homer – 12/08/2016

Continuing and outstanding issues at the Auld Hoose, Forth Street, North Berwick

Thank you for the letter from Greene King which arrived at an opportune time as I was about to write an update.

**Noise Saturday Night 6/7 August about 01.10 pm on 7 Aug 2016:**

I was awakened by a noisy group in the street numbering about 14 persons who seemed to be in the process of departing from the Auld Hoose and walking eastwards along Forth Street.

A group of 3 were hanging back but the moved slowly along Forth Street, whilst a fourth (male) was facing the west most window of the Auld Hoose seeming either to be trying to light a cigarette or other activity. The fourth person then moved toward the group of three but turned down the side of east gable wall of the pub into dark shadow were I strongly suspected he was urinating .I open the window and called out 'Please make less noise' to which a female voice from one of the three retorted 'It is not us you need to worry about - it's him' A comment that confirmed my suspicions that the male was urinating. I then returned to bed

**Noise at other times after 11.00 pm**

Noise after 11.00 pm does continue but the occasions seem to be less frequent than hither too.

Noise after midnight is annoying and noise after 01.00 am extremely annoying.

I have been away from home several weekends over the last three months, but there have been other dates when at home that I have been disturbed by noise after midnight.

**Noise control by Auld Hoose staff;** I feel that considerable more energy could be utilized by staff to reduce noise levels from outside the premises and more frequently check the premises exterior.

**Lack of Notices on premise exterior reminding customers to keep the noise down:**

A notice could (should) be placed above the cigarette bin at one side of the doorway. Another notice could (should) be placed at the other side of the doorway. There are six windows looking onto Forth Street. Notices could be put at all or most of the windows.

**Lighting at the East Gable wall:** (1) An 'after twilight movement activated' light could be installed on the East Gable wall or (2) a light installed on the East gable wall that is operated after twilight and whenever there is any light on inside the Auld Hoose ( i.e. even when the pub is closed but staff are still inside.)

**Reminder about my home**

My home is diagonally opposite the Auld Hoose and has views into the inside of the Auld Hoose; Two separate bedrooms have a window overlooking the Auld Hoose and the windows have secondary glazing. My main lounge also overlooks the Auld Hoose and has double glazed

windows. My home is in a residential area. The only business premises are a hairdresser's shop and the Auld Hoose.

Yours sincerely

N Rex Homer

Emails from Mr Lewis – 19/06/2016, 12/08/2016 & 29/08/2016

19/06/2016

Hello Rudi

Thanks for letting me have the minutes of the 20.04.2016 meeting.

I have been keeping a log of on-going incidents and attach a copy.

You will see that noise has persisted as an issue, but the events of the night of Saturday/Sunday 18th/19th June 2016 were of an order which is far beyond anything that residents can be expected to tolerate.

My opinion is that it is quite unacceptable that I am unable to get to sleep until after 01.30 in the morning or that, having gone to sleep, I am woken at that time of the night due to drunken anti-social behaviour.

The only conclusion which can be drawn is that the measures discussed on 20.04.2016 are either not being implemented or, if they are being implemented, that they are wholly insufficient to deal with the problem. Whatever impression the Licensee and Brewery may have tried to create at the April 2016 meeting, to all outward appearances their actual conduct demonstrates that they are unwilling to take effective measures to deal with the issue of noise and anti-social behaviour outside the Auld Hoose. Furthermore, I question whether the Local Authority, the Police and the Brewery are taking their responsibilities sufficiently seriously.

The continuation of the anti-social behaviour associated with the Auld Hoose must, in my view, bring back into consideration the points made by myself and Mr Horner that

- (i) there should be a requirement that door staff be employed to control the behaviour of the pub's customers and
- (ii) the opening hours should be restricted to 23.00 hrs or 23.30 hrs.

The points made at the 20.04.2016 meeting on behalf of the Licensee and the Brewery in relation to the cost of door staff, or the viability of the premises if they are required to close earlier have, in my view, no validity because there is now a large body of evidence, over a considerable period of time, that this establishment is simply unable to conduct itself in a manner which pays any regard to the local residents.

Please therefore could I request that the continuation of the licence for the Auld Hoose, and/or it's permitted hours of opening, and/or the conditions under which it is allowed to operate, be reconsidered by the Licensing Committee.                      Regards. Ian Lewis

Email 12/08/2016

Hello Rudi

Thanks for your email.

As far as I am concerned, the Auld Hoose still continues to be a regular source of anti-social behaviour.

Attached below is my log of incidents since April 2016.

From my perspective, the measures which were supposed to be taken to prevent disturbance late at night and in the early hours of the morning are either not being implemented or, if they are being implemented, are not effective to resolve the problem.

I would argue that, if one proceeds on the basis that residents should be able to have a reasonable expectation that the Licensing authorities have a responsibility to take measures to ensure that their sleep is not disturbed on a regular basis by the anti-social behaviour which these premises generate, the only solution is to restrict the opening hours. By doing so, the noise is likely to be less in the first place because those making it will have consumed less alcohol: furthermore, if it is restricted to (say) 23.00 hrs it will not cause residents' sleep to be disturbed.

Can I also add that the noise from the Auld Hoose has an impact on my health. Because this results in my sleep being regularly disturbed, I often end up feeling tired and drained the following day, particularly on those occasions when there are incidents on successive nights.

Please therefore could the Licensing Committee give serious consideration to a reduction of the opening hours of these premises to no later than 23.00 hrs.

Regards.

Ian Lewis

THE AULD HOOSE (Log of incidents from April – August 2016)

01.05.2016/02.05.2016

23.30 hrs 01.05.2016

A lot of noise from smokers at the side entrance to the Auld Hoose. The behaviour of two in particular seemed to be quite erratic - in my opinion they were drunk.



01.15 hrs 02.05.2016

A great deal of noise outside the Auld Hoose - the usual shouting and 'carrying on', presumably when the place was closing.

23.30 hrs 02.05.2016

A lot of noise in the street outside The Auld Hoose at 23.30 hrs - presumably patrons leaving the premises at closing time. Shouting continued for 10-15 mins. Was woken from sleep having gone to bed early as I needed to get up early the following day.

08.05.2016/09.05.2016

Aware of high level of noise from 23.00 hrs on 08.05.2016. Number of young people hanging around outside front and side doors of the Auld Hoose. Increase in level of noise at 01.15 hrs 09.05.2016: awoken from sleep. Phoned Police.

12.05.2016/13.05.2016

00.15 hrs 13.05.2016

Woken from my sleep by the noise of patrons leaving the Auld Hoose 'singing' as they walked off down the street.

18.05.2016/19.05.2016

Woken from sleep at 00.20 hrs on 19.05.2016 by the volume of noise outside the Auld Hoose. Assumed it was patrons leaving the premises at closing time.

19.05.2016/20.05.2016

Aware of noise from patrons of the Auld Hoose outside the main door from 23.30 hrs 19.05.2016. Woken from sleep at 01.20 hrs 20.05.2016 by a significant increase in the volume of noise. Was sufficient to have called the Police but saw no point in doing so as I presumed the noise was from patrons leaving the premises at closing time and they would have left the scene prior to the arrival of the officers.

28.05.2016/29.05.2016

Woken at several times during the night because of noise emanating from outside the Auld Hoose - people shouting down the street, 'singing' etc.

29.05.2016/30.05.2016

Woken from sleep at 00.15 hrs 30.05.2016 by noise from outside the Auld Hoose. People shouting. Engines running. Car doors banging. Phoned Police.

03.06.2016/04.06.2016

Woken from sleep at 23.57 hrs 03.06.2016 by the noise from a number of patrons of the Auld Hoose who had congregated at the side door and who were shouting and 'carrying on'. Phoned the Police.

Woken again from sleep at 01.15 hrs 04.06.2016 again by the noise from patrons of the Auld

Hoose who were gathered at the side door. Shouting and 'carrying on'. Car engines running and doors banging. Again phoned the Police.

04.06.2016/05.06.2016

Considerable noise from a group of (predominantly) males at side door of the Auld Hoose at 01.00 hrs 05.06.2016. Shouting, swearing, laughing loudly, 'singing'. Basically noisy drunks. Continued until 01.15 hrs. Phoned Police.

06.06.2016/07.06.2016

00.15 hrs 07.06.2016. At (presumed) closing time, a number of youths were congregated at the side door of the Auld Hoose: mostly male, some female. Shouting, swearing, laughing loudly. Generally creating a disturbance. Remained approx 15 minutes before moving off. Did not call Police: pointless because noise has usually subsided before they arrive. Those responsible have usually left the scene, or returned inside the Auld Hoose.

09.06.2016/10.06.2016

Woken from sleep at 00.05 hrs by shouting in the street at side entrance to the Auld Hoose, car engine revving, and car doors banging. Did not last long.

16.06.2016/17.06.2016

Woken at 00.17 hrs by noise in the street outside the side door of the Auld Hoose.

18.06.2016/19.06.2016

The noise from the Auld Hoose was horrendous tonight. There was a live band playing: the noise from the band was considerable but, every time someone opened one of the doors to the premises, the noise was amplified considerably.

There seemed to be a constant barrage of noise from patrons of the establishment congregating at the front and side doors from where they were shouting and singing along to the tune which the band were playing at the time. The noise was continuous and excessive.

At one point what sounded like two fireworks were let off.

I phoned the Police at 23.59 hrs on 18.06.2016 [incident number 21] but was later informed that they had been unable to attend because officers were dealing with another higher priority incident.

The band seemed to pack up at just after midnight, at which point there was the noise of them loading their instruments into their cars with associated doors banging, engines running etc.

The fact that the band eventually left did little to diminish the noise in the street outside the establishment which continued unabated.

I again phoned the Police at 01.07 hrs on 19.06.2016 which is when I was informed that they had not been able to attend following the previous call.

The shouting and 'carrying on' in the street outside the premises, together with the noise of doors banging and vehicles coming and going, persisted until just after 01.30 hrs on 19.06.2016 when the last patrons left the premises.

I had tried to go to sleep at shortly after 23.15 hrs on 18.06.2016, but had been kept awake by the noise until just after 01.30 hrs on 19.06.2016.

19.06.2016/20.06.2016

I went to bed early (just after 23.00 hrs) on Sunday 19.06.2016 as I needed to get up early on Monday. I was woken from my sleep at 23.30 hrs by noise from patrons of the Auld Hoose at the front and side doors of the premises - general shouting and 'carrying on'.

The noise continued and, if anything, increased: at 00.17 hrs on 20.06.2016, I phoned the Police about the situation. The noise carried on unabated and at one point there was a group of about 20 young people singing 'happy birthday' in the street outside the Forth Street Lane door. It was quite impossible to get back to sleep.

During this period, members of the group seemed to be going in and out of the side door of the Auld Hoose.

Eventually, just before 00.30 hrs, this group moved off, with the noise continuing to echo down the street as they slowly walked away.

Shortly after this, a car pulled up beside the Auld Hoose and remained there with its engine running for several minutes, at which point a number of people came out of the premises by the side door and left in the car.

23.06.2016/24.06.2016

There was a continuing level of noise from patrons of the Auld Hoose from 23.00 hrs on 23.06.2016 until 01.15 hrs on 24.06.2016. This was from young people gathering by the front and side doors of the premises shouting and 'carrying on'. They seemed to leave the area shortly after 01.15 hrs on 24.06.2016 and I was kept awake until then.

25.06.2016/26.06.2016

At 23.55 hrs on 25.06.2016 there was a lot of shouting and animal noises coming from patrons of the Auld Hoose congregating at the front and side doors. It continued intermittently until 00.41 hrs on 26.06.2016 when I was eventually able to get to sleep.

26.06.2016/27.06.2016

From 23.00 hrs on 26.06.2016 there was a period of sustained noise from patrons of the Auld Hoose at the front door - shouting, laughing, swearing. There was also an argument between a number of people at the side door of the premises.

There was a further outburst of noise from patrons gathered at the front door at 23.50 on 26.06.2016 which continued for some time after midnight - shouting, swearing, screaming, and singing. People were still emerging from the premises at 00.30 hrs on 27.06.2016 and hung around until a car arrived to take them away.

01.07.2016/02.07.2016

The usual weekend 'carry on' with the Auld Hoose. Groups of patrons congregating at the front and side doors, shouting and generally making noise: cars pulling up and leaving, car doors banging, engines running: patrons sitting on the opposite wall making/receiving phone calls etc until the early hours of the morning.

02.07.2016/03.07.2016

The usual weekend 'carry on' with the Auld Hoose. Groups of patrons congregating at the front and side doors, shouting and generally making noise: cars pulling up and leaving, car doors banging, engines running: patrons sitting on the opposite wall making/receiving phone calls etc until the early hours of the morning.

03.07.2016/04.07.2016

Noise from a number of patrons of the Auld Hoose assembled at the front door shortly before midnight, one of whom was kicking a football around.

08.07.2016/09.07.2016

09.07.2016/10.07.2016

Away for the weekend

10.07.2016/11.07.2016

Considerable amount of noise from patrons of the Auld Hoose gathering at the front and side doors from approx 23.35 hrs on 10.07.2016. Continued unabated until 00.15 hrs on 11.07.2016. Called Police. Unable to get to sleep until after that time.

15.07.2016/16.07.2016

Woken at 00.45 hrs, 01.05 hrs and 01.25 hrs on 16.07.2016 by noise from patrons of the Auld Hoose shouting in the street, and by vehicles pulling up outside the premises and leaving again.

16.07.2016/17.07.2016

General background noise in the street outside the Auld Hoose from 23.00 hrs on 16.07.2016. Woken from sleep at 00.15 hrs on 17.07.2016 by the noise of two women shouting by the side door of the premises.

17.07.2016/18.07.2016

Woken at 23.50 hrs on 17.07.2016 by noise caused by a number of patrons of the Auld Hoose who were congregating at the side door of the premises.

23.07.2016/24.07.2016

Woken at 00.10 hrs on 24.07.2016 by patrons of the Auld Hoose 'singing' in the street by the side entrance. Phoned the Police. The call handler who answered the phone commented that she was able to hear the noise about which I was complaining.

Woken on a second occasion at 00.50 hrs on 24.07.2016 - again customers of the Auld Hoose 'singing' in the street at the side door.

Woken for a third time at 01.10 hrs on 24.07.2016 by the noise of patrons leaving the Auld Hoose: cars coming and going, shouting and 'carrying on' in the street. Phoned the Police again. Unable to get back to sleep until after 01.30 hrs - heard the church clock striking 01.30 hrs.

30.07.2016/31.07.2016

Woken at 00.10 hrs on 31.07.2016 by shouting in the street outside the Auld Hoose.

31.07.2016/01.08.2016

Shouting in the street at 23.10 hrs on 31.07.2016 outside the Auld Hoose.

02.08.2016/03.08.2016

Shouting and 'singing' in the street and banging of doors at 00.10 hrs on 03.08.2016 outside the Auld Hoose.

06.08.2016/07.08.2016

Shouting, doors banging (doors to the premises as well as car doors) plus vehicles coming and going from 22.30 hrs 06.08.2016 outside the Auld Hoose. It was as if there was a street party going on outside. This continued on and off until 01.10 hrs on 07.08.2016 when there was an increase in the noise - shouting and doors banging, for a while around the time when the premises were closing. Did not phone the Police: they seem to be totally disinterested.

Emailed Addendum – 29/08/2016

14.08.2016/15.08.2016

Shouting in the street outside the Auld Hoose at 23.35 hrs 14.08.2016.

21.08.2016/22.08.2016

From approx 23.30 on 21.08.2016 there was an almost constant level of noise from patrons of the Auld Hoose congregating at the front and side doors - shouting, laughing, 'singing' etc. It rose to a crescendo at 00.17 hrs on 22.08.2016 when I phoned the Police. The noise died down shortly after that but at 00.30 hrs on 22.08.2016 a car drew up at the side door of the Auld Hoose. There was more noise from the engine running and the doors of the car, as well as of the premises, banging. A male emerged from the premises carrying a bottle: he appeared to lock the side door of the Auld Hoose, and got into the car which then drove off (further noise from the car engine and the car/premises doors).

23.08.2016/24.08.2016 Woken at approx 23.30 hrs on 23.08.2016 by a great deal of noise emanating from a crowd of people in the street outside the Auld Hoose.

26.08.2016/27.08.2016

From 23.30 to midnight on 26.08.2016 there was a constant barrage of noise from customers hanging around outside the Auld Hoose - shouting and loud laughing echoing around the street..

Again there was a similar level of noise from the same source from 00.45 hrs - 01.15 hrs on 27.08.2016 with, in addition, cars coming and going, car doors banging, a car horn sounding and the doors of the premises banging shut.

27.08.2016/28.08.2016

At 20.55 hrs on 27.08.2016 there was an argument between two males and a female in the street outside the main door of Auld Hoose involving shouting, swearing, pushing and jostling. The attitude of one of the males was aggressive. A female came out of the Auld Hoose and tried calm the situation down with little initial success. She then threatened to call police saying - 'If you don't stop shouting this place will get shut down.' One of the males and the first female walked away. The protagonist remained at front door, continuing to argue with the female who had intervened and a number of other customers who had come outside, although at a lesser volume.

At 23.45 on 27.08.2016 I was woken by shouting and loud laughter at front door echoing around the street which originated from customers standing outside the Auld Hoose.

At 00.45 hrs on 28.08.2016 there was a prolonged period of shouting and swearing by a group of people who had congregated at side door of the Auld Hoose. The door was banging as customers went in and out. It eventually became quiet at 01.17 hrs. At 01.23 hrs on 28.08.2016 a car pulled up at the side door of the Auld Hoose. The engine was running and its doors were banging. People came out of the side door of Auld Hoose, a male locked side door on his way out, and they got into vehicle which drove off.

Mr Edwards Notes and Comments on the Content of Mr Lewis's Log of Events 01/05/2016 -  
19/06/2016

- \* SUN/MON 1/5/16 - 2/5/16 01-15 HRS - CLOSED AT 00-15 HRS
- \* MON 2/5/16 23-30 HRS - CLOSED AT 23-15 HRS
- \* SUN/MON 8/5/16 - 9/5/16 01-15 HRS - CLOSED AT 00-15 HRS
- \* FRI 13/5/16 00-15 HRS - NOBODY OUTSIDE AT THIS TIME
- \* WED/THURS 18/5/16 - 19/5/16 00-20 HRS - CLOSED AT 23-15 HRS
- \* THURS 19/5/16 23-30 HRS - NOBODY OUTSIDE AT THIS TIME
- \* FRI 20/5/16 01-20 HRS - 2 PEOPLE OUTSIDE AT 01-00 HRS  
CLOSED AT 01-15 HRS
- \* SAT/SUN 20/5/16 - 21/5/16 - NO TIMES GIVEN BY COMPANIER  
CLOSED AT 01-15 HRS
- \* SUN/MON 27/5/16 - 30/5/16 00-15 HRS - PEOPLE DISPERSING
- \* FRI 3/6/16 23-57 HRS - 4 PEOPLE OUTSIDE, QUIET
- \* SAT 4/6/16 01-15 HRS - PUB CLEARED AND CLOSED
- \* SUN 5/6/16 01-00 HRS - 01-15 HRS - 01-00 HRS PEOPLE LEAVING  
01-15 HRS PUB CLOSED, STREET CLEARED
- \* MON/TUES 8/6/16 - 7/6/16 00-15 HRS - PUB CLOSED AT 23-15 HRS
- \* THURS/FRI 9/6/16 - 10/6/16 00-05 HRS - TAXI PICKUP
- \* THURS 16/6/16 00-17 HRS - 1 PERSON OUTSIDE
- \* SAT/SUN 18/6/16 - 19/6/16 00-17 HRS, 01-30 HRS - FIREWORKS ON BEACH,  
MEMBER OF STAFF OUTSIDE  
FROM 00-15 HRS UNTIL CLOSE,  
6 PEOPLE OUTSIDE AT 00-00 HRS  
QUIET/REMINDED.  
CLOSED AT 01-15 HRS, STREET CLEAR
- \* SUN 19/6/16 23-30 HRS, 00-17 HRS - 23-30 HRS REMINDERS GIVEN TO  
BE QUIET CRAIG WAS OUTSIDE FROM  
00-05 HRS UNTIL CLOSE  
CLOSED AT 00-15 HRS, STREET CLEAR
- \* TAXI AT 00-30 HRS  
FOR CRAIG AND STAFF

Mrs Shaw's Email Response to Belhaven Letter 16/08/2016

Dear Ms Kennedy,

There are still a few inconsiderate clients particularly at exit time.

Since the notice requesting smokers to keep by the door rather than wandering round to our area the fumes and debris is much reduced.

There are still some who think it is ok to use our area to congregate noisily after leaving the pub. Unlike our neighbours across the road we benefit from the protection of the building.

I am still of the opinion that police or community warden patrols who stop to move on those leaving would be a better support for residents and publican. They would possibly also prevent the occasional urinator who uses the pub wall by our wheelie bins.

I support Mr Lewis' s and Mr Homer's comments that they are still suffering from the noise nuisance which by reason of moving away from 17, 15' 11 Forth Street (which are then protected to some degree by the pub building ) may be increasing their experience.

Again I suggest this is a street problem and therefore a community and police issue.

You might enquire whether the residents of the sheltered flats at 21 Forth Street are disturbed. We did not approach them or the manager but now that patrons leave by that door and the focus is at that side of the building I am sure there will be some who would appreciate your concern.

I suggest this, not to challenge Craig's efforts but because any issue there might weigh better in police and community wardens' responses.

Thank you,

Wilma Shaw.





Date: 14<sup>th</sup> September 2016

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
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Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
PREMISES LICENCE REVIEW HEARING – 6 MONTHLY REPORT  
AULD HOOSE, 19 FORTH STREET, NORTH BERWICK**

With reference to the above, a review of the premises licence was requested by Mrs Wilma Shaw via East Lothian Licensing Board, in respect of the premises pertaining to 19 Forth Street, North Berwick, which is currently trading as the Auld Hoose. The current premises licence holder is Greene King Brewing & Retailing Ltd, Westgate Brewery, Bury St Edmunds, Suffolk. The designated premises manager is Craig Edwards, [REDACTED]

The licensed hours operated by these premises for 'on consumption' are as follows:

Monday – Wednesday: 1100 – 2300 hours  
Thursday - Saturday: 1100 – 0100 hours  
Sunday: 1100 - midnight

Off sales are permitted between the following hours:

Monday – Sunday: 1100-2200 hours

On 24<sup>th</sup> March 2016, East Lothian Licensing Board heard the review and concluded that the review should be continued for a period of 6 months to enable the premises to be monitored at the weekends and for mediation with neighbours to take place.

Since this review hearing I can report the following:

**Friday 1<sup>st</sup> April 2016 (incident 3137 refers)**

At 23:06 hours, call received from [REDACTED] (staff) regarding concerns for a female patron who has lost her house keys. At 23:55 hours Police attended and conveyed the female to a relatives house nearby.

**Saturday 16<sup>th</sup> April 2016 (incident 3798 refers)**

At 23:45 hours, call received from [REDACTED] reporting persons outside the premises shouting. At 00:01 hours Police attended and reported no noise nuisance on their arrival.

**Saturday 23<sup>rd</sup> April 2016**

At approx 00:30 hours, Police officers visited the premises to find very few patrons within and no issues.

**Friday 6<sup>th</sup> May 2016**

At approx 2230 hours, Police licensing officers checked the premises. Discreet observations were made outside. There were no persons outside and no noise issue.

**Monday 9<sup>th</sup> May 2016 (incident 0077 refers)**

At 00:30 hours, call received from [REDACTED] reporting noise from patrons congregating outside at the side door of the premises. At 00:56 hours Police attended and noted the area was all quiet, no patrons in the street and the premises were closed.

**Saturday 21<sup>st</sup> May 2016**

[REDACTED]

[REDACTED]

**Sunday 29<sup>th</sup> May 2016 (incident 3503 refers)**

At 20:00 hours, call received from [REDACTED] (staff) reporting that a male has been in and out the premises asking if he could sell drugs in the premises and was now refusing to leave. At 20:14 hours Police attended and spoke with the male who had already left the premises, he was searched for drugs, which was negative and warned regarding his behaviour.

**Monday 30<sup>th</sup> May 2016 (incident 0070 refers)**

At 00:21 hours, call received from [REDACTED] reporting a lot of noise from outside the premises. At 01:18 hours Police attended to find the premises closed and no persons in the street.

**Friday 3<sup>rd</sup> June 2016**

At approx 23:30 hours, Police licensing officers checked the premises. Discreet observations were made outside. There were no patrons outside and no noise issues.

**Saturday 4<sup>th</sup> June 2016 (incident 0001 refers)**

At 00:01 hours, call received from [REDACTED] reporting patrons outside the premises shouting and bawling. A further call received from [REDACTED] stating that there was no requirement for Police as these patrons had left in a taxi a minute or so later. At 00:44 Police attended and noted there were no patrons outside.

**Saturday 4<sup>th</sup> June 2016 (incident 0357 refers)**

At 01:19 hours, call received from [REDACTED] reporting noise from patrons outside the premises. At 01:39 hours Police attended, premises were closed, no persons in the street.

**Sunday 5<sup>th</sup> June 2016 (incident 0374 refers)**

At 01:17 hours, call received from [REDACTED] reporting a number of patrons outside the premises causing a noise nuisance, shouting and swearing. At 02:05 hours Police attended to find no persons in the street and the premises closed.

**Sunday 19<sup>th</sup> June 2016 (incident 0021 refers)**

At 00:04 hours, call received from [REDACTED] reporting noise from a live band within the premises. At 01:09 hours a further call was received from [REDACTED] reporting that the noise was still ongoing. [REDACTED] was advised that all Police officers were committed answering emergency calls and that there were none free to attend at this time. At 03:19 hours Police attended to find the premise closed.

**Monday 20<sup>th</sup> June 2016 (incident 0047 refers)**

At 00:21 hours, call received from [REDACTED] reporting noise from patrons outside. At 00:39 hours Police attended and noted there were no persons in the street and the premises were closed.

**Monday 27<sup>th</sup> June 2016 (incident 0031 refers)**

At 00:15 hours, call received from [REDACTED] reporting noise from patrons congregating outside the premises, shouting and swearing. At 01:01 Police attended and noted there were no persons in the street.

**Sunday 10<sup>th</sup> July 2016 (incident 0231 refers)**

At 00:44 hours, call received from [REDACTED] reporting several patrons outside the premises shouting, swearing and causing annoyance, sitting on the doorstep of number 11. At 01:21 hours Police attended and noted there was no noise and a handful of people were leaving the area.

**Monday 11<sup>th</sup> July 2016 (incident 0055 refers)**

At 00:19 hours, call received from [REDACTED] reporting noise from patrons tonight. At 01:14 hours Police attended and noted that the premises were closed.

**Sunday 24<sup>th</sup> July 2016 (incident 0097 refers)**

At 00:14 hours, call received from [REDACTED] reporting loud singing and shouting from the premises. Call taker noted that noise could be heard in the background. Unfortunately due to a high volume of higher graded calls this report was not attended to by police.

**Friday 29<sup>th</sup> July 2016**

At approx 22:30 hours, Police licensing officers and East Lothian Council's LSO made a joint visit to the premises to monitor the outside noise. Discreet observations were carried out and it was noted that there were a few patrons outside having a smoke. No excessive noise was detected at that time. A further check around about midnight revealed no patrons outside due to the inclement weather.

**Saturday 13<sup>th</sup> August 2016**

At approx 23:00 hours, Police licensing officers and East Lothian Council's LSO made a joint visit to the premises to monitor the outside noise. Discreet observations were carried out and it was noted that there were no patrons outside smoking. One or two couples and small groups were coming and going. The street was pretty quiet with one or two groups of people coming up from the 'fringe by the sea' events at the harbour. No excessive noise other than people having conversation with each other as they walked up the street. A further check around about half past midnight revealed two or three patrons outside having a quiet smoke.

**Monday 22<sup>nd</sup> August 2016 (incident 0042 refers)**

At 00:19 hours, call received from [REDACTED] reporting noise coming from patrons outside the premises. At 00:55 hours Police attended and noted that the premises were closed and no persons were in the area.

### **Friday 26<sup>th</sup> August 2016**

At approx midnight, Police licensing officer checked the premises. Discreet observations were made outside. There were one or two patrons having a smoke. Voices could be heard but nothing excessive.

### **Saturday 27<sup>th</sup> August 2016 (incident 4051 refers)**

At 21:00 hours, call received from [REDACTED] reporting aggressive shouting, sounds like a male and female shouting and screaming. At 21:13 hours, Police attended and confirmed that there had been a verbal argument between friends and that it had calmed down prior to the males leaving before police arrival.

### **Saturday 3<sup>rd</sup> September 2016 (incident 0180 refers)**

At 00:42 hours, call received from [REDACTED] (staff) reporting a male refusing to leave the premises. At 01:03 hours police attended and spoke with staff, who informed them the male had been asking if he could buy drugs from customers within the premises. He was thereafter asked to leave which he did prior to police arrival. The manager informed the male he was not welcome back on the premises. Police made a search of the area however there was no trace of the male concerned.

### **Police Summary**

It would appear from a number of these calls, that the noise reported, usually around closing time, lasts for a few minutes, long enough to disturb the complainer but not long enough for the police to witness.

Whilst observing the premises over the last 6 months it has become apparent that the street does have an echoing effect. That it only takes a couple of people talking normally to be heard from some distance away.

It is reasonable to expect that when the remainder of customers leave at the end of the night, that the level of noise will increase, due to the number of people in the street at one time. It does appear that these patrons disperse from the area reasonably quickly because there is never anyone hanging about when the police arrive, in some cases, shortly after the initial call.

The police and the police licensing officer will continue to monitor the premises in the future.

This report is submitted for the attention and information.

Yours faithfully

PC Heather Bowsher  
Divisional Licensing Officer