



## MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 25 AUGUST 2016  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

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**Board Members Present:**

Councillor J Goodfellow (Convenor)  
Councillor S Akhtar  
Councillor D Grant  
Councillor W Innes  
Councillor F McAllister  
Councillor T Trotter

**Clerk of the Licensing Board:**

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

**Attending:**

Mrs M Ferguson, service Manager – Legal & Procurement  
Ms C Molloy, Legal Team Leader  
Mr R Fruzynski, Licensing Standards Officer  
Ms M Winter, Licensing Officer  
Ms G Herkes, Licensing Officer  
PC H Bowsher, Police Scotland  
Insp A Harborow, Police Scotland

**Committee Clerk:**

Ms J Totney, Team Manager – Democratic Services

**Apologies:**

Councillor S Currie

**Declarations of Interest:**

Councillor Grant declared an interest in Items 3(b) and 3(d) and advised that he would withdraw from the Chamber during the debate and decision on these items.

Councillor Goodfellow declared an interest in item 5(b) and advised that he would withdraw from the Chamber during the debate and decision on this item.

Given the declarations of interest, the Convenor advised the Board that there would be slight changes to the running order for the meeting. The minutes reflect the order in which the business was dealt.

## **1. MINUTES FOR APPROVAL**

The minutes of the Licensing Board meeting of 23 June 2016 were agreed to be a true record.

*Sederunt: Councillor Grant leaves the meeting*

## **3 PREMISES LICENCE – MAJOR VARIATION**

### **3 (d) Co-Op, Northfields, Mid Road, Prestonpans**

Ms A Junner, Hill Brown Licensing was present to represent the applicant. Mr G Cranston, Co-Op Manager, was also present.

The Clerk advised that the major variation seeks to increase the alcohol display capacity from 26.8 m<sup>2</sup> to 30.59375 m<sup>2</sup>. No objections had been received from Police Scotland or the Licensing Standards Officer (LSO) but a representation had been received from NHS Lothian in relation to public health.

Ms Junner explained the unusual background to the application, pointing out that this has resulted from a change in the specification of fixtures and fittings (such as fridges) that had been installed in the store. She stressed that all other aspects of the proposition are identical to those in the provisional licence application that was granted by the Board on 27 August 2015.

*Sederunt: Insp Harborow and PC Bowsher joined the meeting*

In response to questions from Councillors McAllister, Akhtar and Trotter, Ms Junner conceded that the increase in available capacity could well result in an increase in the amount of alcohol being displayed.

Police Scotland and the LSO had nothing to add to their written reports.

Ms E Oldcorn, Senior Specialist in Health Promotion, NHS Lothian, advised the Board that alcohol off-sales are a particular concern, especially in a recognised area of deprivation. In response to a question from Councillor Goodfellow, she advised that 75% of alcohol consumption comes from off-sales.

Ms Junner stated that the over provision policy had applied to these premises when the provisional licence was granted, a year ago, and stressed that the Co-Op is a good operator.

Councillor Innes commented that if this capacity had been sought in the provisional licence it would have been granted and he supported the application. He added that the proposed capacity was not unusual for the size of the store.

Councillor McAllister advised he would not be supporting the application; remarking that there had been insufficient effective planning in respect of the fixtures and fittings. He had additional concerns given that the area is one of multiple deprivation and thanked the NHS Lothian representative for their input.

Councillor Akhtar supported the application based on previous experience of the checks and balances that are in place at the Co-Op stores.

Councillor Trotter opposed the application due to the problematic area. However, he praised the Co-Op for the positive way that they run their business.

East Lothian Licensing Board Convenor, Councillor Goodfellow, echoed the comments made in respect of the contribution from NHS Lothian. He informed the Board that he would not be supporting the application on the grounds of improving and protecting public health.

In response to a request by Ms Junner, the Board determined that, under Section 32(3)(a) of the Licensing (Scotland) Act 2005, there was no restriction on the applicant submitting another application for this major variation within one year.

**Decision**

East Lothian Licensing Board agreed to refuse the grant of a major variation to the premises licence.

**3 (b) Glenkinchie Distillery, Glenkinchie, Pencaitland**

No one was present to represent the applicant.

The Clerk advised that a letter of representation had been received from NHS Lothian.

**Decision**

East Lothian Licensing Board agreed to continue the item to the September 2016 meeting so that the applicant/representative could attend.

*Sederunt: Councillor Grant re-joined the meeting*

**3 (a) Carberry Tower, Whitecraig, Musselburgh**

Mr J Guy, Anderson Strathern, was present to represent the applicant.

The Clerk advised that the application seeks to vary the operating plan to include bar meals; to vary the layout plan to change the names of various rooms; and to vary the description from a 15<sup>th</sup> Century Castle to a Hotel with conference facilities, an event, hospitality and training centre with a bar, function rooms and separate Ceilidh Hall.

Mr Guy explained that the changes have resulted from a recent change of ownership.

The LSO commented that the premises are well run.

**Decision**

East Lothian Licensing Board agreed to grant the major variation to the premises licence.

**3 (c) Horseshoe Tavern, 54 Newbigging, Lewisvale, Musselburgh**

Mr S McGowan, TLT Solicitors, was present to represent the applicant. Ms L Lynch, premises manager was also present.

The Clerk advised that the application seeks to allow on sales from 11 am on Sundays and allow children and young person access from 11 am on Sundays.

Mr McGowan stated that the premises wished to come into line with other similar establishments in relation to 11 am opening on a Sunday.

The LSO commented that these are very well run premises.

**Decision**

East Lothian Licensing Board agreed to grant the major variation to the premises licence.

**3 (e) The Ship Inn, 184 North High Street, Fisherrow, Musselburgh**

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

The Clerk advised that the application seeks to vary bar meals; include music outwith core hours; serve breakfast/coffee/tea from 10 am; and allow entry to young persons at all times during a function and when having a meal between 10 am and 8 pm. She advised that no objections had been received.

Mr Macdonald informed the Board that there is a desire to depart from a traditional pub style operation.

Police Scotland, the LSO and NHS Lothian had no comments to make.

**Decision**

East Lothian Licensing Board agreed to grant the major variation to the premises licence.

**2. PREMISES LICENSE – NEW GRANT**

**Cucina Amore, 37 Quality Street, North Berwick**

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Mr F Cucchi, company director, was also present.

The Clerk advised that no objections had been received but that the application engages the Board's overprovision statement.

Mr Macdonald explained that the application has resulted from the fact that the company that previously held the licence was dissolved/struck off the register of companies. He stressed that he considered this to therefore be a re-application, adding that the premises have been operating for more than three years.

Councillor Goodfellow clarified that the Board has to deal with this as a new application.

Police Scotland and the LSO had no comments to add to their reports. The LSO advised that the premises are well run.

Councillor Grant indicated his support for the application. Councillor Innes commented on the unusual situation and added his support to the application, a view that was echoed by Councillor Goodfellow.

**Decision**

East Lothian Licensing Board agreed to grant the premises licence.

#### **4 OCCASIONAL LICENCE**

##### **Simon Flame, Marquee and Stately Home, Broxmouth House, Broxmouth Park, Dunbar**

The Clerk advised that the application for an occasional licence would usually be dealt with under delegated powers. However, given the repeated applications for occasional licences, this application had been presented to the Board for determination, in line with the Board's policy.

Mr Flame stated that he was guilty of not progressing an application for a premises licence quickly enough. He advised that an application had been submitted for planning permission but that this was still to be granted as council officers are seeking clarification on some aspects of the application. He gave an undertaking that he would progress all necessary actions straight away.

The Convenor made it clear that East Lothian Council has been very generous in granting occasional licenses.

The LSO advised that the premises are well run but that it is time now for a full premises licence to be progressed.

Police Scotland had no comment to make.

Members were strongly of the view that it was highly unlikely that any further occasional licences would be granted without a hearing. Councillor Innes stated that if an occasional licence application was presented to the Board in future, a planning officer should attend to explain the delays in granting a full premises licence. He also stressed that in the event of a further application for an occasional licence, he would expect the applicant to be present to demonstrate that they had done everything in their power not to hold up the process of applying for a premises licence. He requested that these provisos be noted.

Councillor Goodfellow added that the any future occasional licence applications must be lodged at least six weeks in advance.

##### **Decision**

The Board agreed to grant the occasional licence and determined that any future applications for occasional licences be subject to the provisos as outlined by Councillor Innes.

#### **5 PERSONAL LICENCE REVIEW**

##### **5 (a) Ryan Baynham**

Mr A Macdonald of Macdonald Licensing was present to represent the applicant. Mr Baynham was also present.

Mr Macdonald reported that the outstanding court action, which had resulted in the review being carried forward from previous meetings, had now been dealt with. He informed the Board that Mr Baynham acknowledged that there had been an incident and had accepted the fixed penalty offered by the Procurator Fiscal. He added that while his client did not fully agree with all the reported versions of events, Mr Baynham was, nonetheless, ashamed about what had happened. Mr Macdonald explained the background to the incident and urged the Board to take no action.

Mr Baynham personally confirmed that he was ashamed at what had taken place and assured the Board that such a situation would not happen again.

The Clerk confirmed the date on which Mr Baynham had become a personal licence holder.

In response to questions from Councillor McAllister, Mr Baynham stressed that there were no mitigating circumstances to account for the incident.

The LSO commented very favourably on Mr Baynham as a personal licence holder.

Police Scotland referred the Board to their report; acknowledged Mr Baynham's statement of regret; agreed that there are no issues with the way that Mr Baynham runs his premises; but disagreed with Mr Macdonald's view that no action should be taken.

Councillor Trotter indicated that he was happy to accept that this had been an isolated incident, but recommended that a severe reprimand would be appropriate in the circumstances. This view was supported by Councillor Grant; endorsed by Councillor Innes; echoed by Councillor McAllister; and agreed by Councillor Akhtar.

The Clerk outlined the sanctions that are available to the Board and the way in which these would be recorded. She explained that, if an endorsement was placed on Mr Baynham's licence, it would be active for five years but that Mr Baynham could continue to operate as a designated premises manager.

Councillor Goodfellow commented on the seriousness of the incident and stressed that the Board would take a very firm view if there was to be a repeat of such an incident.

## **Decision**

East Lothian Licensing Board agreed to endorse Mr Baynham's personal licence.

***Sederunt:** Councillor Goodfellow left the meeting. Councillor Grant assumed the role of Convenor of East Lothian Licensing Board for item 5 (b).*

### **5 (b) Martin Gach**

Mr Gach was present to represent himself.

Police Scotland referred to their letter to the Board and summarised the contents.

The LSO informed the Board that Mr Gach is not known to him.

Mr Gach explained the circumstances surrounding the incidents in the Police Scotland report; answered questions from the Board regarding the incidents; and stated that he had "no explanation" for the incidents.

The Clerk reminded the Board of the sanction options available to them.

Board Members adjourned from the Chamber to debate the matter in private.

On reconvening, Councillor Grant advised that the Board had taken a very serious view of the personal licence review and had debated the matter at length.

**Decision**

East Lothian Licensing Board agreed to revoke Mr Gach's personal licence given the seriousness of the incidents and breach of the licensing objective of preventing crime and disorder.

The Clerk advised Mr Gach that he could not work as a designated premises manager.

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**POLICE  
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
EAST LoTHIAN LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> APRIL 2015 to 31<sup>ST</sup> MARCH 2016

## **FOREWORD**

As the Chief Constable of Police Scotland, it gives me great pleasure to provide my first Annual Licensing Report, in accordance with section 12(A) of the Licensing (Scotland) Act 2005.

I would firstly like to take this opportunity to acknowledge and thank you for the contribution and excellent work undertaken during the past year throughout the licensing area of business in Scotland, especially within our 32 Local Authorities.

Police Scotland together with our licensing partners have faced and continue to confront many challenges, not least our budget constraints. However, this will not detract from our commitment to continuing to provide the very best and sustainable policing service to our communities across the country.

I am especially keen to develop our local services to meet the varying licensing demands and expectations within our diverse local communities, by listening to people and developing opportunities to improve, including the sharing of best practise and influencing positive attitudes and behaviours to reduce alcohol related crimes and anti-social behaviour.

Police Scotland's licensing structure and function has recently undergone significant transition and now benefits from improved governance, flexibility and support, with a real emphasis on quality of service. These changes are further enhanced through our commitment to investing and implementing a national I.T. database, (Innkeeper), which has significantly improved our management and the administration of all liquor and civic licences. Police Scotland and our licensing partners now benefit from a consistent service with improved local delivery, decision-making and reporting process.

With our licensing transition complete, we are now transforming our licensing service and central to this is our ability to continue to work closely with our Local Authorities, the licensed trade and other key partners, with a main focus on prevention and vulnerability.

We recognise that problem solving is essential in achieving our mutual aims of public safety and a healthy community environment, while enforcement should only be used as necessary. We will only achieve these aims together through consent and by legitimate means with the full support of all key licensing partners.

I look forward to the coming year where we will continue to improve Licensing Standards, Reduce Violence and continue to keep our Communities and People Safe.

Philip Gormley QPM  
Chief Constable  
Police Service of Scotland

## **POLICE SCOTLAND LICENSING OVERVIEW**

Following the inception of Police Scotland in 2013, a two-tier structure for Licensing was adopted to support both national and local priorities and service delivery.

A National Licensing Policy Unit (NLPU), which sits within Licensing and Violence Reduction Division, has overall responsibility for determining and delivering national licensing strategy and policy. The NLPU also provides advice, guidance and support to Divisional Licensing Teams as well as undertaking other specialist functions.

Dedicated licensing teams are located in each of the 13 local divisions and are responsible for the day-to-day management of Licensing Administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises within their local area.

## **LICENSING BOARD AREA**

The East Lothian Licensing Board area is policed by the Lothian's and Scottish Borders Division (J Division). Chief Superintendent Marshall is the Local Police Commander who has the responsibility for all day-to-day policing functions.

The Lothian's and Scottish Borders Division serves around 462,080 people over 2,393 square miles, stretching from Blackridge to Newcastleton. It covers East Lothian, West Lothian, Midlothian and the Scottish Borders council areas.

The Division has four territorial command areas aligned with their respective local councils. Each has a dedicated Area Commander who is responsible for all daily policing functions. Each area is also served by a number of community policing teams whose activities are built around the needs of the local community. They are responsible for responding to local calls and looking for long-term solutions to key issues.

The Local Area Commander, Chief Inspector Matt Paden is based at Haddington. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Paden is supported by two sector Inspectors, Andrew Harborow who is based at Tranent and Alan Hogarth who is based at Haddington.

The East Lothian Licensing Boards are attended by either Inspector Harborow or Inspector Hogarth.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector Andrew Toombs and Sergeant Gordon Latto.

The local Licensing Department is based at Haddington Police Station and one officer, supplemented by an administration officer based at Dalkeith Police Station, controls the day-to-day function.

## **OPERATION OF THE LICENSING (SCOTLAND) ACT 2005**

### **Introduction**

Following our public consultation process, the policing priorities for East Lothian, as set out in our Local Policing Plan are as follows;

- Reducing Antisocial Behaviour
- Tackling Substance Misuse
- Reducing Violence
- Protecting People
- Tackling Serious & Organised crime
- Making our Roads safer
- Reducing Housebreaking

### **Partnerships**

Police management in East Lothian enjoy a good working relationship with partner agencies in particular the East Lothian Council and the Licensing Board.

The local Police Licensing Officer works regularly with a number of partner agencies including the Licensing Standards Officer, Trading Standards, HMRC and Immigration. A number of recent initiatives undertaken in the board areas have identified illegal immigrants working within licensed premises, which have resulted in Immigration Officers taking further action.

### **Best Bar None (BBN)**

BBN is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the Licensed Trade, Police and Local Authorities.

The process of becoming recognised by BBN includes meeting minimum standards and culminates with an award night with category winners and an overall winner. Responsible operators are recognised and able to share good practice with others.

In March 2016 a licensed premises in Dunbar attained the Bronze Award, four licensed premises in Ormiston, Prestonpans, Haddington and Port Seton attained a Silver Award and four licensed premises in Dunbar, Musselburgh and North Berwick attaining a Gold Award with one Dunbar premises being put forward for a National Award.

## NOT PROTECTIVELY MARKED

### Pub Watch

Pub Watch is an initiative run by local pubs/clubs to tackle crime and antisocial behaviour in and around their premises. The schemes are run by local licensees but are advised by local community Police Officers.

There are a number of Pub Watch schemes operating in East Lothian all of which are working well and have achieved their goal of reducing risk and maintaining a safe and secure social environment for staff and customers.

### The Intervention Process

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established interventions process. Incidents connected to premises are monitored on a daily basis whereby Licensing Officers will scrutinise the detail to identify whether any of the licensing objectives have been compromised or where other management/licensing issues require addressed or improved. Depending on the severity of the incident and history of the premises, Licensing Officers will categorise the premises/incident as follows:-

POLICE INTERVENTION CATEGORIES	
Red	Problematic Premises - those operating in a manner inconsistent with the licensing objectives or outwith the conditions of a Premises Licence and where local Police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local licensing board is considered the most appropriate way to address the issue.
Amber	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between Premises Licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.
Green	Monitored - The premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.
No Action	An incident review has highlighted no issues regarding the management of the Premises or Licensing Legislation. No further police action.

Police intervention usually results in a meeting with the appropriate representatives of the premises concerned e.g. Premises Licence Holder, Designated Premises Manager and, if appropriate, any stewarding company to discuss concerns and agree a way forward to resolve these.

Premises being monitored by way of the above system are subject to weekly tasked visits by either local officer's and/or Licensing Officers to monitor progress, measure improvements and ensure that agreed remedial measures are implemented.

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The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may obviously merit an immediate review application.

### **Board Decisions**

Police Licensing Officers carry out enquiries on behalf of the Chief Constable in respect of the vast majority of licence applications. Enquiries ensure that applicants and any proposals comply with the licensing objectives, all relevant legislation and Board Policy. The intention is to deliver all pertinent information to the Board in order that members can make informed decisions in relation to applications. The investigative work is also carried out to minimise the risk of 'Organised Crime Groups' infiltrating the licensed trade.

### **Section 1 – Unlicensed Sale of Alcohol**

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence. As the Licensing (Scotland) Act 2005 is well bedded into everyday working practices, this provision has been utilised during this reporting year when it was discovered that a premises was operating out with the conditions of their licence. The licence was reviewed and subsequently surrendered, following a suspension by the Board.

### **Section 22 – Applications**

Where a Premises Licence application is made to a Licensing Board, officers from the licensing section take a common approach to ensure that unscrupulous persons are not taking over licensed premises. When appropriate, officers will request antisocial behaviour reports from the partnership analysts, which will give Board members an overview of the number of licensed premises in an area and associated issues.

### **Section 36 – Application for Review of Licence**

Police Scotland only seek review of a Premises Licence when an intervention (or a number of interventions) has failed, is likely to fail or there is a serious risk to public safety if the premises continues to operate in the same manner e.g. the resulting problems as well as community impact must be considered.

### **Section 63 – Sale or Supply out with licensed hours**

Officers in East Lothian monitor the sale or supply of alcohol out with licensed hours closely. Local Officers continue to make pro-active visits to licensed premises, particularly at weekends. These visits allow officers to speak directly to licensees to discuss any issues that arise.

### **Section 72 – Personal Licence Applications**

Applications for personal licenses are dealt with in a standard manner. The amendment to legislation permitting the Chief Constable to request refusal for the purposes of 'any' licensing objective has widened the scope for making appropriate representations to the Board.

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### **Section 84 (84A) – Personal Licence Reviews**

Police Licensing Officers are responsible for monitoring the conduct of Personal Licence Holders. In particular, there have been occasions when the holders of a personal licence have failed to report conviction(s) for a relevant offence to the court and/or licensing board. Again, the amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 has widened the ability for the Chief Constable to report conduct inconsistent with the licensing objectives.

### **Section 94 – Exclusion Orders**

When a person is convicted of a violent offence committed on, or in the immediate vicinity of, any licensed premises the court may make an order prohibiting the person from entering licensed premises. 'J' Division has undertaken a lot of work in this area to raise awareness of this section of the legislation and it is now utilised when appropriate on every possible occasion. Licensing Officers scrutinise all incidents in their council area and advise officers dealing with incidents when an application for an Exclusion Order would be appropriate. Licensing Officers also advise the licensed trade with regards to Exclusion Orders.

### **Sections 111- 116 – Drunkenness / Disorder Offences**

Drunkenness and disorderly conduct remains an anomaly for (door) staff and managers and is renowned for being tolerated in Scottish culture. Officers on nighttime economy details are vigilant to drunk persons attempting to enter licensed premises. A number of persons have been dealt with by means of Fixed Penalty Tickets.

## **PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE**

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons and working with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

In terms of Section 105 of the Licensing (Scotland) Act 2005, the Chief Constable may authorise a young person to buy or attempt to buy alcohol to determine whether an offence is being committed.

The use of young persons to conduct Test Purchase Operations provides Police with an effective tool in the fight against underage sales and represents an important safeguard against underage drinking and the resultant antisocial behaviour that adversely affect many communities.

There were **10** Test Purchase Operations carried out in East Lothian during the reporting year with a total of **105** 'off sale' premises tested, this resulted in **11** failures.

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All 11 of these failures, passed the re test which is carried out within 14 days of the original fail date.

As a direct result of these Test Purchase failures there was 1 Premises Licence surrendered and another taken to review.

### **TACKLING SERIOUS AND ORGANISED CRIME**

The Serious Organised Crime Task Force was set up by the Scottish Government to provide direction and co-ordination for all organisations involved in tackling Serious Organised Crime in Scotland.

The task force has a remit to disrupt, dismantle and pursue Serious Organised Crime in all its forms by bringing together all agencies involved in tackling organised crime groups (OCG's). Key partners include Police Scotland, NCA, HMRC, COPFS, SOLACE and the Scottish Business Resilience Centre, amongst others.

Licensed premises are one of the top ten legitimate businesses to be threatened by the involvement of Serious and Organised Crime.

Over the past year, 'J' Division Licensing Officers have scrutinised and interrogated licence applications to identify where OCG's may be trying to enter legitimate businesses. This is particularly detailed when processing new premises and transfer applications, where the applicant may be asked to evidence the source of any financing.

The issue of Serious and Organised Crime has also been looked at with partner agencies to tackle ongoing problems. In particular, warrants have been craved within 'J' Division to enter and inspect licensed premises with a number of arrests being made by Immigration Officers and documents taken by HMRC for further investigation. On conviction of any relevant offence, reports will be made to the Licensing Board.

The Licensing Officer identified an OCG, who had a link to an applicant who had applied for an 'Occasional Licence' for an event in East Lothian. The Licensing Officer approached the venue concerned and made them aware of her concerns, which resulted in the event being cancelled, disrupting the OCG's activities.

### **PROPOSED ACTIVITY FOR THE YEAR AHEAD**

Police Scotland and the Fire Service continue to work closely with the Scottish Business Resilience Centre to evolve the Best Bar None scheme. As a result, this year, 9 licensed premises received an award at local level, 4 gold, 4 silver and 1 bronze. Organisers of this scheme recognise that standards are improving on a year-by-year basis and hope to continue in the coming year, increasing the number of premises taking part.

As previously mentioned Police Officers in 'J' Division are identifying persons who should be considered for an 'Exclusion Order' from licensed premises, in terms of

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Section 94 of the principle legislation, and making appropriate requests as a matter of course to the Procurator Fiscal. This should have a positive impact on licensing objectives.

Test Purchasing will also continue to be used as a tactic to increase awareness of underage drinking and the associated antisocial behavior that can result.

### **NATIONAL PERSPECTIVE**

Our Priorities and Policing Plans continue to be shaped by the objectives contained within Scottish Government's Strategic Objectives and National Outcomes and the Strategic Police Plan that are delivered locally through single outcome agreements.

Consultation and engagement is combined with our own analysis of the issues likely to impact on the safety of the public to inform our Local and National Strategic Assessments that identify our priorities and provide a firm evidence base for local policing teams across Scotland to deliver Operational Plans to Prevent Crime and Disorder and Keep People Safe.

#### **Our National Priorities are:**

- **Violence Disorder and Anti-social Behaviour**
- **Serious Organised Crime**
- **Road Safety and Road Crime**
- **Protecting People at Risk of Harm**
- **Counter Terrorism**

The National Licensing Policy Unit (NLPU) is a specialist department, which consists of a small team of officers, based in Glasgow. The officers within the unit work in conjunction with licensing colleagues, from local policing divisions. Together, they seek to ensure that legislation governing the sale and supply of alcohol and other civic licensed activity is applied and reported consistently across the country to licensing boards, in accordance with the Licensing Objectives.

During 2016/17, from a licensing perspective, our particular focus will be on the following:

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Continuous professional development training and guidance for staff to harmonise Licensing practice across the country.
- Working closely with statutory partners to introduce a National Licensing Trade Forum to identify licensing related issues and prevent/reduce-associated crimes.

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- The implementation and ongoing development of a National ICT Licensing System, known as 'Inn Keeper', to increase the efficiency and effectiveness of Liquor and Civic Licensing administration and management.

The assistance obtained from the Local Authority to ensure that 'Innkeeper' was implemented successfully during March 2016 is very much appreciated by Police Scotland. It is anticipated that this effective collaboration between the parties will continue to ensure that this valuable national resource remains fit for purpose and significantly improves the management of Liquor and Civic Licensing records, documentation and information.

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## EAST LoTHIAN

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

### Licensing (Scotland) Act 2005

# 3

#### Variation (Major)(s)

#### Premises

#### Applicant

#### Date Received

#### Comments

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1	THE GOTHENBURG THE GOTHENBURG 227-229 HIGH STREET PRESTONPANS EAST LoTHIAN EH32 9BE	CAROL ANNE BLACK	4 August 2016	To include Off Sales. Online sales of bottled beers. Vary hours on a Sunday to 11am
2	THE CRAIG HOUSE CARBERRY ROAD INVERESK EDINBURGH EH21 8PT	WHITBREAD GROUP PLC. C/O JOHN GAUNT & PARTNERS OMEGA COURT 372-374 CEMETERY ROAD SHEFFIELD S11 8FT	21 July 2016	Variation to operating plan to increase residential capacity from 180 to 246. Vary serving breakfast from 7am to 6.30am. Amendment to layout plan to extend premier inn by 22 bedrooms. Decrease the outside drinking area to allow for extension.



EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

EAST LoTHIAN LICENSING COUNCIL

3a

04 AUG 2016

RECEIVED

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

(Provide Details)

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL042

2(b) Name and Address of Premises

THE PRESTON GRANGE CLOTHENBURG  
227-229 HIGH STREET  
PRESTON PANS

Post Code	EH32 9BE	Phone No.	01875 819922
-----------	----------	-----------	--------------

2(c) Full Name and Address of Current Licence Holder

CAROL BLACK

[REDACTED]

Post Code	[REDACTED]	Phone No.	[REDACTED]
-----------	------------	-----------	------------

### SECTION 3: NATURE OF VARIATION

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

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

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

TO INCLUDE THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES.  
THIS IS TO ALSO INCLUDE 'ONLINE SALES' OF BOTTLED BEERS PRODUCED IN OUR MICROBREWERY AND THOSE PRODUCED BY OTHER BREWERIES.

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

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

Question 1: 1(c) Will alcohol be sold for consumption ON and OFF the premises? YES  
Question 2: Change to Sunday hours  
Question 3: Listed times for alcohol sales OFF premises  
5(f): Online sales to be included

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

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

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

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

Provide details below of any other variation sought to the Premises Licence

(e.g. Alteration to the description of the premises contained within the Premises Licence)

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation.

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

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

**SECTION 5: FEE PAYABLE**

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

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

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

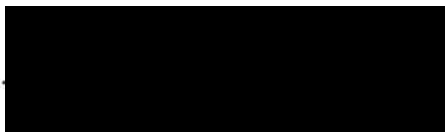
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature



..... (See note 5 below)

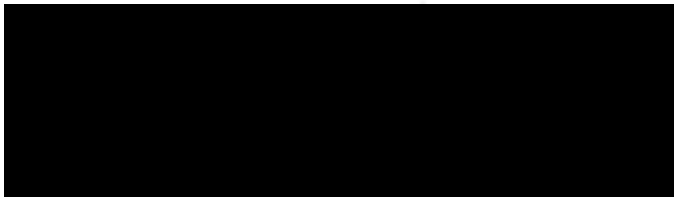
Date

3/8/16

Capacity: APPLICANT / ~~AGENT~~ (delete as appropriate)

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

ANNE TAYLOR



**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

**Contact Us:**

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

Phone: 01620 827217 / 827867 / 820114  
Fax: 01620 827253  
Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

FOR OFFICE USE ONLY		
Received & Receipt No.	System Updated	Licence Issued





Prestongrange Gothenburg (The Goth)

In relation to our application requesting a variation in our license we submit the following statement to outline our reason for the application and to hopefully balance any opposition by clearly laying out the benefits of providing us this variation.

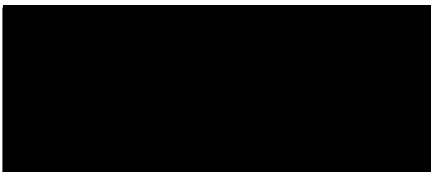
The request is firstly to extend our Sunday opening time from 12.30 to 11.00am. We would like the option to open earlier on a Sunday to cater for the many walkers and cyclists who often pass while travelling the John Muir Way and are looking for a place to rest for a while. We would additionally like to open earlier during local festivities and to host our own days of cultural and historical celebrations. In a challenging and competitive industry it is important that we have the flexibility to remain a viable business and as such we need at least the provision to extend our offerings. We will always, of course, respect our neighbours and will ensure none of our activities cause any disturbance to neighbours, whether noise or otherwise.

Secondly, we have requested the provision of off sales.

There are a couple of reasons we require this, both of which are crucial to the ongoing viability of our business, but more importantly, to improve the facility which is seeing more and more tourists visit. As our microbrewery has been fairly stagnant for a few years, we are excited to have onboard new brewers who are opening up new opportunities and have extensive online marketing experience. Brewing has been re-ignited at The Goth and our real ales brewed on site are becoming a crucial attraction point for the business. We are seeing people travel to sample our ales from surrounding areas as well as tourists. The provision of off sales would allow those visitors to take away a memento of their visit, which would be in the form of bottled beers made on the premises from East Lothian barley. We have always done our utmost to promote East Lothian's brewing history and we would like this to form a key part of our business moving forward.

In addition to off sales to visitors we also believe that an online presence is an expected aspect of any business and particularly the facility to purchase from a business online. We would therefore like to enable the purchase of ales directly from the internet for delivery. Online sales would be bottled beers in both single bottles and multi-packs. We would of course adhere to the industry practices to ensure all sales are made to those of an eligible age.

We trust the above information will permit our application to proceed. However, should there be further information required please do not hesitate to ask.



CAROL BLACK

EAST LOTHIAN COUNCIL  
LICENSING

25 AUG 2016

RECEIVED

Date 16<sup>th</sup> August 2016



**POLICE  
SCOTLAND**

Keeping people safe

Philip Gormley QPM  
Chief Constable

Local Area Commander

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

Your Ref: EL042

Our Ref: J/LIC/3705/HB

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
GOTHENBURG, 227-229, HIGH STREET, PRESTONPANS  
CAROL BLACK**

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

The variation requested consists of an increase to licensed hours on a Sunday morning (currently 12.30, new request for 11.00). 'Off sale' facility to cater for 'online' sales of bottled beers produced by their own Microbrewery and other Breweries.

In terms of Section 22 (1) (b) of the Licensing (Scotland) Act 2005, it is pertinent to point out that any increase in licensed hours is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in considering this application.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147

EAST LOTHIAN COUNCIL

Internal Memorandum

**From:** Development Control Manager      **To:** Clerk to the Licensing Board  
**Per:** Neil Millar      **Per:** Licensing Board  
**Cc:**

---

**Date:** 26<sup>th</sup> August 2016

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** The Prestoungrange Gothenburg, 227-229 High Street,  
Prestonpans

**Application type:** Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

In December 2014, planning permission (Ref: 14/00615/P) was granted for a change of use of the courtyard area to form an outdoor dining area. Condition 1 of planning permission 14/00615/P states that, *'the outdoor dining area shall only be used by patrons and staff of the licensed premises between the hours of 1100 and 1800 any day of the week'*.

Condition 2 of planning permission 14/00615/P states that, *'there shall be no public entertainment, amplified music, amplified vocals or live music played in the outdoor dining area and no amplified music, amplified vocals or live music played inside the premises shall be audible in the outdoor dining area'*.

Please note that any changes that would affect the conditions imposed on the grant of planning permission 14/00615/P would require a variation of them through the submission of a further planning application.

EAST LoTHIAN LICENSING BOARD

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

3b

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

ELO16

2(b) Name and Address of Premises

Craig House  
Carberry Road  
Inveresk  
Edinburgh

<b>Post Code</b>	<b>EH21 8PT</b>	<b>Phone No.</b>	0871 527 8358
------------------	-----------------	------------------	---------------

2(c) Full Name and Address of Current Licence Holder

Whitbread Group Plc  
Whitbread Court  
Houghton Hall Business Park  
Porz Avenue  
Dunstable

<b>Post Code</b>	<b>LUS 5XE</b>	<b>Phone No.</b>	
------------------	----------------	------------------	--

**SECTION 3: NATURE OF VARIATION**

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

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

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

None

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

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

To amend question 7 as follows:

Capacity Breakdown – Residential – 246  
On sales – 260

Off Sales 8.8m2

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

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)  
In addition please provide details below of the proposed change to the layout of the Premises.

To provide for construction of additional 22 bedrooms

1. Ground Floor and First Floor existing and additional bedroom 1780LIC(00)007C
2. Restaurant and external areas plan plus location plan 1562/100

No change to existing bedroom layout, nor to restaurant area known as Craig House however the area to the rear of Craig House coloured blue and marked on the plan for use as an external drinking area has been reduced in size due to the new footprint of the Premier Inn extension.

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

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

To permit earlier opening for the provision of breakfasts from 06:30 hours (currently 07:00 hours)

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

**YES**                       **NO**

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

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

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

**SECTION 5: FEE PAYABLE**

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

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

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

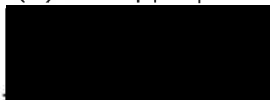
- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

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

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

**Signature**



..... (See note 5 below)

**Date**

20/7/16

Capacity: APPLICANT / AGENT (delete as appropriate)

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

John Gaunt & Partners  
Omega Court,  
372 Cemetery Road  
Sheffield. S11 8FT  
mhazlewood@john-gaunt.co.uk

**Note 1:**

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

**Note 2:**

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

**Note 3:**

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

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

**Note 4:**

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

**Note 5:**

**Data Protection Act 1998**

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

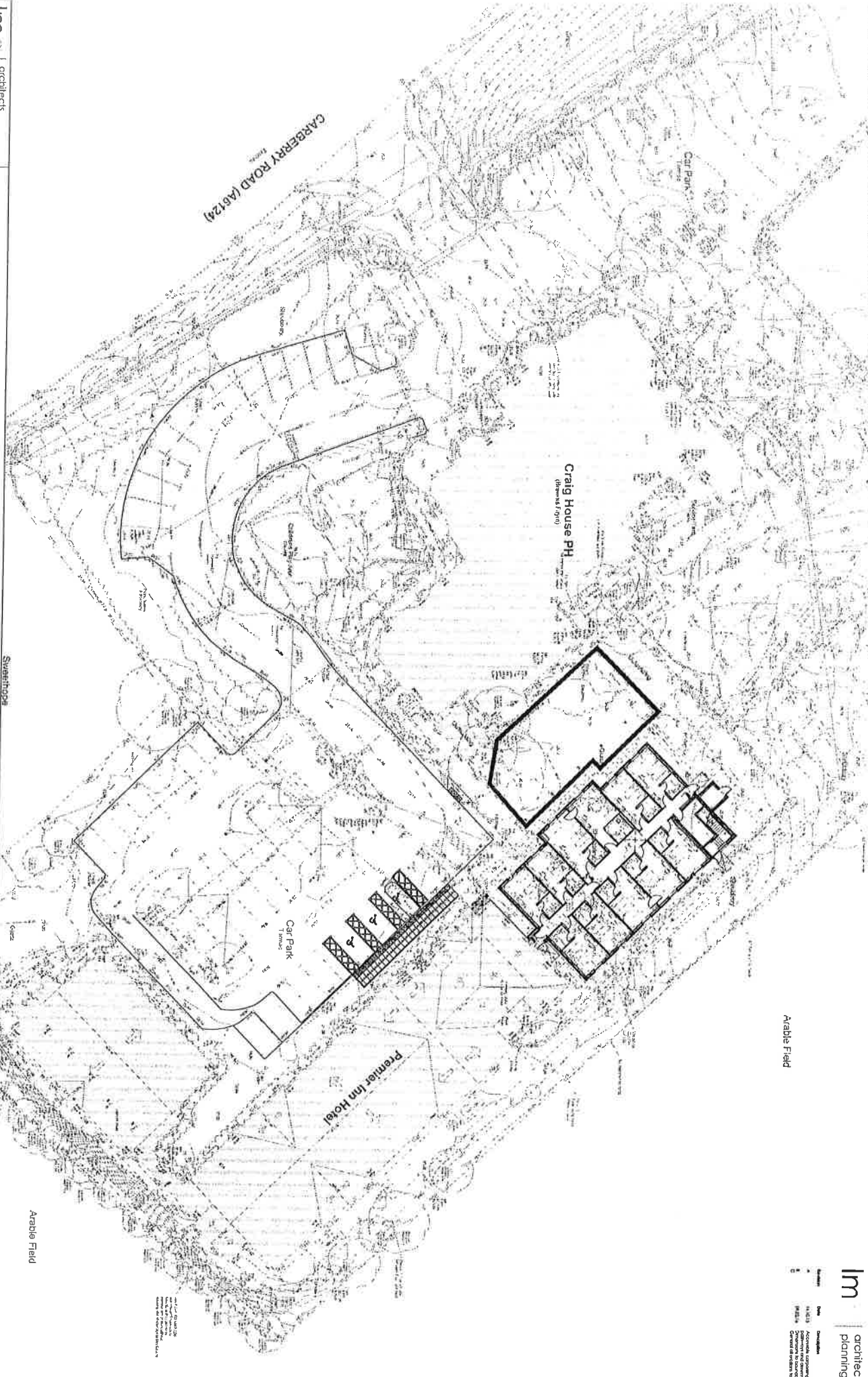
**Contact Us:**

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

**Phone:** 01620 827217 / 827867 / 820114  
**Fax:** 01620 827253  
**Email:** [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

<b>FOR OFFICE USE ONLY</b>		
<b><i>Received &amp; Receipt No.</i></b>	<b><i>System Updated</i></b>	<b><i>Licence Issued</i></b>





**im** architects  
planning consultants

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MILTON KEYNES MK14 6JG  
UK

**01908 211111**  
**01908 211112**  
**01908 211113**

**www.im-arch.co.uk**

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**01908 211113**

**www.im-arch.co.uk**

Do not scale from this drawing.  
Use figured dimensions only.  
Dependencies to be reported to LMA.

**Project**  
PREMIER INN EXTENSION  
MILTON KEYNES  
MILTON KEYNES  
MILTON KEYNES  
MILTON KEYNES

**Client**  
WYREDALE PLC

**Project No**  
1780002-2011 C

**Date**  
28/11/15

**Issue**  
LICENSING

**Checked**  
SK

**im**

Date 1<sup>st</sup> August 2016



**POLICE  
SCOTLAND**

Keeping people safe

Your Ref:

Our Ref: J/LIC/3705/HB

Philip Gormley QPM  
Chief Constable

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

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
Craig House Inveresk, Carberry Road, Musselburgh  
Whitbread Group Plc**

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

The variation requested consists of an extension to the existing premier Inn (additional 22 bedrooms) and opening hours to begin at 0630 hours (currently 0700 hours).

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

Any increase in capacity is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in considering this application.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826 147

EAST LoTHIAN COUNCIL

Internal Memorandum

**From:** Development Control Manager      **To:** Clerk to the Licensing Board  
**Per:** Neil Millar      **Per:** Licensing Board  
**Cc:**

---

**Date:** 9<sup>th</sup> August

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Craig House, Carberry Road, Inveresk

**Application type:** Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

In January 2016, planning permission (15/00462/P) was granted for the extension to the building and associated works at the Premier Travel Inn, Whitecraig. However, I can confirm that planning permission 15/00462/P does not include the external areas of the premise to be used as outdoor drinking areas/beer gardens as is applied for them in the licensing application forms for this variation to the premise.

Please note that it is the responsibility of the licensee to confirm what planning permission is in place for this use or demonstrate that planning permission is not required for it. Otherwise I would advise that a planning application is sought for the change of use of the areas of land to form beer gardens/external drinking areas as is shown for them on the submitted drawings.

## Winter, Maree

---

**From:** Sue McCourt [smccourt@john-gaunt.co.uk] on behalf of Michelle Hazlewood [MHazlewood@john-gaunt.co.uk]  
**Sent:** 25 August 2016 13:13  
**To:** Winter, Maree  
**Subject:** Internal Memorandum received re: Craig House, Inveresk Variation

Dear Maree

I have spoken with my clients who have confirmed that the area to the rear of the premises has historically been used as an external area but not as an extension of the restaurant which used the seating to the property. The area has been used to facilitate wedding functions where the bride and groom wish their guests to be able to circulate outside, for wedding photographs and as a garden. The "garden area" has now been significantly reduced by the extension plus new planting and fencing to the north east the existing masonry wall boundaries to the north-west and south-east will remain.

Our clients consider that access to the area will in fact reduce and that it will become less attractive to customer by virtue of the size of the extension building.

I hope this helps. I note that the internal memorandum states that this is not a formal objection.

I would be grateful if you could confirm if any additional queries or objections have been received during the consultation period.

I am currently contacting my client to send to me the Confirmation of Site Notice documentation which I will then forward to you.

Yours sincerely

**Michelle Hazlewood**

Partner  
Sent by Sue McCourt

MHazlewood@john-gaunt.co.uk | www.john-gaunt.co.uk  
T: 0114 266 8664 | M: 07801 924 301 | F: 0114 267 9613



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

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Partners: John Gaunt (569711) Katharine Redford (569712) Tim Shield (569713)  
Michelle Hazlewood (569714) Christopher Grunert  
Practice Manager: Jonathan Pupius

John Gaunt & Partners authorised and regulated by the Solicitors Regulation Authority - SRA No. 173393

**CAUTION**

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**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	
<del>4</del> 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)

[eastlothian.gov.uk](http://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**

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)

[eastlothian.gov.uk](http://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);

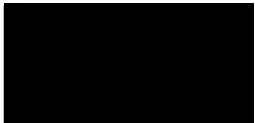
By email

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)

[eastlothian.gov.uk](http://eastlothian.gov.uk)

Winter, Maree

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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.

---

**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.

Winter, Maree

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**From:** Mills, Lynda on behalf of Customer Services  
**Sent:** 20 March 2016 21:55  
**To:** Licensing  
**Subject:** FW: Agenda and papers for East Lothian Licensing Board, 24 03 16

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**From:** wilma shaw [mailto: [REDACTED]]  
**Sent:** 19 March 2016 18:47  
**To:** Customer Services  
**Subject:** FW: Agenda and papers for East Lothian Licensing Board, 24 03 16

Please forward on Monday to the Licensing authority for the meeting on 24/03/2016 as I am unable to attend.

Thank you, Wilma Shaw

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**From:** [REDACTED]  
**To:** jtotney / licensing  
**Subject:** FW: Agenda and papers for East Lothian Licensing Board, 24 03 16  
**Date:** Sat, 19 Mar 2016 18:39:56 +0000

my response for meeting 24/03 2016, Licensing authority

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** RE: Agenda and papers for East Lothian Licensing Board, 24 03 16  
**Date:** Sat, 19 Mar 2016 18:37:40 +0000

[REDACTED] North Berwick, EH39 4HX  
19 / 03 / 2016

Responses to comments in attached email paperwork.

Dear Ms Totney,

As one of the complainants I would dispute some of the replies you have had. They imply that we, the complainants, have been inaccurate in our description of events or that the behaviours are not directly relevant to the pub, its trading, or the authorities' responsibilities for our welfare.

1. The disturbances do **not** just happen at closing times.

When clients step out to smoke, chat on their telephones, and converse with drivers or in groups they can be loud, moving back and forth across the street, between cars and along the street. Many of these clients walk up and down whilst smoking, joking and shouting at each other or passers-by.

2. The disturbances at closing time are a problem because clients hang around behaving as above. It may be banter sometimes but it is still loud. At least twice a male (not necessarily the same male) has been seen urinating against wheelie bins,

a) outside 17 Forth Street and b) down Lorne Lane.



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)

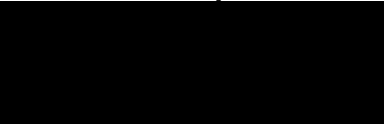
Dear Mr Homer,

**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)

[eastlothian.gov.uk](http://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

The Lothians and Scottish Borders Division  
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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

---

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 Forth Street, 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 [REDACTED] 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**

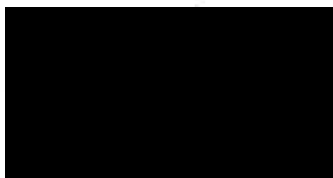
Dear

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  
REMINDED TO BE QUIET
- \* 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