



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

**THURSDAY 23 JUNE 2016  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

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**Board Members Present:**

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

**Clerk of the Licensing Board:**

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

**Attending:**

Mrs D Elworthy, Licensing Admin Officer  
Ms C Molloy, Legal Team Leader  
PC H Bowsher, Police Scotland  
Insp A Hogarth, Police Scotland

**Committee Clerk:**

Ms J Totney, Team Manager – Democratic Services

**Apologies:**

Councillor W Innes  
Councillor T Trotter

**Declarations of Interest:**

None

## **1. MINUTES FOR APPROVAL**

The minutes of the Licensing Board meeting of 26 May 2016 were agreed to be a true record subject to a minor change to item 4; page 5; paragraph 1. The Board agreed that the word 'imminently' be added and the first sentence should read '*Mr Fortune advised that the Club were in the process of applying for a Premises Licence for these premises imminently, but wished to get the bowling section up and running while this application was pending.*'

## **2. VARIATION TO PREMISES LICENCE**

### **Elphinstone Miners' Welfare and Social Club**

Ivan Cameron, Chairman, Elphinstone Miners' Welfare and Social Club (the Club) was present to represent the applicant. James McGimpsey, Treasurer; and Peter Fairgrieve, Vice Chairman, were also present.

The Clerk advised that the application seeks to change the status of the club to an open licence and to take advantage of seasonal variation offered by the Board. She advised that there are no objections from Police Scotland or from the Licensing Standards Officer. She added that two public objections had been received and that the objectors, John Peace and Alexander Peace, were present.

Mr Cameron referred to the Club's written submission and invited questions from Board members.

Responding to Councillor McAllister, Mr Cameron answered questions regarding the car parking area; clarified the area under dispute; indicated that he would be comfortable with the car park being open permanently; and advised that there is no CCTV at the Club.

Mr Cameron advised Councillor Akhtar about the typical usage of the Club and that following contact with the Council, three 'Car Park' signs had now been put up. He stated that the Club is taking cognisance of the parking problem, which it is attempting to alleviate.

John Peace informed the Board that he is the farmer who owns the road and that the front access to the Club is on his property. He outlined, in detail, the difficulties he has experienced which include the farm entrance being blocked by vehicles; verbal abuse; and taxis and other vehicles turning in his driveway/on grass verges. He explained that this is an emotive issue which is affecting his work and personal life. He feels that the issues have escalated following recent management changes at the Club. He has discussed matters with Police Scotland who have suggested that he liaise with the Club. While he is happy to do so, he is of the view that the Club are making no effort to inform him about events and times when the premises are going to be busy.

In response to Councillor Akhtar, Mr Peace outlined the contact that he has had with Police Scotland regarding the issues. He indicated to Councillor McAllister that he is tempted to contact local taxi companies to seek their assistance regarding dropping off and picking up passengers.

Councillor Goodfellow suggested that there has been a breakdown in dialogue. Mr Cameron stressed that there would be no changes to the way that the Club has been run and that there has been little change in management. He stated that the Club is

applying for an Open Licence in preference to using occasional licences on an on-going basis.

In response to Councillor Goodfellow, Insp Hogarth advised that the premises are well run and the Club has co-operated fully with Police Scotland in regarding their licensing application. However, he fully appreciated the sentiments being expressed by Mr Peace and stated that it should not be for Mr Peace to contact local taxi companies. He mentioned that communication is absolutely necessary and that Police Scotland provides a mediation service, if required.

Councillor Akhtar made it clear that the solution is communication and co-operation. She stated that the Club is an important part of the community, as is working together.

Councillor Grant stated that he supported the application. While many of the issues were of interest to him as a local Ward member, they were not relevant for East Lothian Licensing Board and had nothing to do with the sale of alcohol. He urged the Club representatives to impress upon their committee members that Mr Peace must have clear access to his home and business at all times.

Councillor Currie supported the move to an Open Licence and stressed the need for the applicant to undertake to provide Mr Peace with advance notice of events and functions. As an alternative, he suggested that conditions could be attached to the licence, if granted.

Councillor McAllister supported the application and echoed the need for communication and co-operation.

In response to Mr Cameron, the Clerk advised that the Licensing Department would provide him with details of all taxi operators in East Lothian so that he could write and advise them about the drop off and pick up area at the Club.

The Board debated potential conditions that could be placed on the licence, if granted. These included the creation of a designated taxi drop off and pick up point; installing CCTV; appointing a designated person from the Club to liaise with Mr Peace; and having staff/committee members on the door at the premises.

Councillor Goodfellow commented that dialogue is needed between the Club and its neighbours and that it is essential that the farmer has access to his property. He pointed out that the neighbours could request a review of the Club's licence but hoped that issues would be resolved and that the matter would not be brought back to East Lothian Licensing Board.

### **Decision**

East Lothian Licensing Board agreed to grant the Open Licence subject to the following conditions:

- (i) Elphinstone Miners' Welfare and Social Club will nominate a member to liaise with Mr Peace, in advance, to inform him of any functions or events to be held in the club.
- (ii) Elphinstone Miners' Welfare and Social Club will write to all taxi operators within East Lothian advising them to instruct drivers, when picking up and/or dropping off any persons attending the club, to do so in the rear car park.

### **3. APPLICATION FOR PERSONAL LICENCE**

#### **Cameron S Ross**

The Clerk advised that the agent for Mr Ross was unable to attend the meeting and had requested that the matter be continued.

#### **Decision**

East Lothian Licensing Board agreed to continue the personal licence application until the meeting on 22 September 2016.