



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**THURSDAY 22 SEPTEMBER 2016
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

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 M Ferguson, Service Manager, Legal and Procurement

Attending:

Mr R Fruzynski, Licensing Standards Officer
Ms M Winter, Licensing Officer
Ms G Herkes, Licensing Officer
Insp A Toombs, Police Scotland
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor S Currie

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the Licensing Board meeting of 25 August 2016 were agreed to be a true record.

The Clerk advised that the application for a major variation for Glenkinchie Distillery, which was to be carried forward to today's Board meeting, had been withdrawn.

2. CHIEF CONSTABLE'S ANNUAL REPORT TO EAST LoTHIAN LICENSING BOARD, 1 APRIL 2015 – 31 MARCH 2016

Inspector Toombs, Police Scotland, introduced himself and provided a resume of the report. He responded to questions regarding improving the publicity for the Best Bar None scheme and about the Police Scotland position regarding overprovision. He advised that the report was largely generic in its format; accepted that future reports should be more bespoke to East Lothian Licensing Board; and agreed that there would be some merit in including alcohol related crime statistics in future reports.

Councillor Goodfellow raised the issues of exclusion orders and anti social behaviour orders.

Councillor Trotter sought information on the number of establishments currently rated as a red, amber or green in the intervention process. Inspector Toombs commented that East Lothian performed very favourably in this regard.

Councillor Innes commented that the report reflects well on East Lothian and stressed the importance of food and drink to the local tourism industry.

Board members offered their thanks to Police Scotland and the Licensing Standards Officer (LSO) for their ongoing help and support.

Councillor Goodfellow reiterated the request that the content of the report be changed next year to better reflect the local, rather than national, position.

Decision

East Lothian Licensing Board agreed to note the report.

3 PREMISES LICENCE – MAJOR VARIATION

3 (a) The Gothenburg, 227-229 High Street, Prestonpans

Ms C Black, Personal Licence Holder, was present to represent the applicant.

The Clerk advised that the major variation seeks to include off sales and online sales of bottled beers and to vary the hours on a Sunday to 11 am. No public objections had been received.

Ms Black explained that there is a small microbrewery on the premises and that there is the desire to be able to retail the real ales that are produced.

The LSO stated that the premises are very well run and that he has no objection to the application.

Police Scotland had nothing to add to their report.

Councillor Innes commented that The Gothenburg is a well respected, high quality establishment. These comments were unanimously echoed by the other Board members.

Decision

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

3 (b) The Craig House, Carberry Road, Inveresk

The Clerk advised that the Solicitor representing the applicant was unable to attend today's meeting.

Decision

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

4 REVIEW OF PREMISES LICENCE

Auld Hoose, 19 Forth Street, North Berwick

Mr N Hassard, TLT Solicitors, was present to represent the applicant.

Mr G Bathgate, Personal Licence Holder; and Mr A Dunn, Operations Director for Belhaven Pubs in Scotland, were also present.

The Clerk reminded Members that this matter had been considered in March 2016, following a request from two neighbours to review the licence. The matter had been continued for six months to allow a period of monitoring and mediation. She advised that updated reports had now been provided by Police Scotland and the LSO.

The LSO referred to his report and highlighted the salient points, including a very positive meeting with neighbours in April 2016 and the measures that have been implemented by the premises management. He was of the view that no further monitoring or action is required.

Inspector Toombs fully supported the comments made by the LSO.

In response to Councillor McAllister, Police Scotland confirmed that Mr Lewis, a neighbour who had submitted a detailed incident log, had not attended the meeting between the premises management and neighbours.

Councillor Goodfellow asked if there had been any representation or report of noise nuisance from the nearby sheltered housing complex. The LSO advised that there had not been.

Mr Hassard thanked Police Scotland and the LSO for the monitoring and mediation that had taken place; explained that the neighbours' concerns had been taken seriously; stressed the diligent management practices that are in place; informed Members that staff at the Auld Hoose had been completing a log at 15 minute intervals; pointed out that there are some discrepancies between the premises log and the one produced by Mr Lewis; and expressed frustration that it had not been possible to discuss matters directly with Mr Lewis.

Councillor McAllister commented that perspective and tolerance are required when living next to a public house. He also remarked that the Police Scotland resource that had been invested in monitoring the situation was completely disproportionate to the situation.

Councillor Trotter stated that the situation should continue to be monitored but that no further action should be taken.

Councillor Grant commented on the efforts that had been made to engage with neighbours and the fact that noise cannot be completely eradicated from a public

house situated in a high street. He asked that the premises management continue to engage with their neighbours and that no further action is required.

Decision

The Board agreed to take no further action and noted that Police Scotland and the LSO would continue to monitor the situation.

In closing the meeting, Councillor Goodfellow advised that annual licensing fees for 2016/17 are due to be paid by 1 October 2016. He indicated that there would be a report to the October meeting of East Lothian Licensing Board in respect of premises where the fee was unpaid as at that date.