



MINUTES OF THE MEETING OF EAST LoTHIAN LICENSING BOARD

**THURSDAY 23 FEBRUARY 2017
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor S Akhtar
Councillor S Currie
Councillor D Grant
Councillor W Innes
Councillor F McAllister

Clerk of the Licensing Board:

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

Attending:

Ms M Winter, Licensing Officer
Mrs L Shearer, Solicitor
Mr R Fruzynski, Licensing Standards Officer
Insp A Harborow, Police Scotland
Insp A Hill, Police Scotland
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor J Goodfellow (Convener)
Councillor T Trotter

Declarations of Interest:

None

In the absence of the Convener, Councillor Akhtar proposed, that Councillor Grant take the chair for this meeting. The proposal was seconded by Councillor Innes and unanimously agreed by all Board members.

1. MINUTES FOR APPROVAL

The minutes of the Licensing Board meeting of 26 January 2017 were agreed to be a true record.

2 PROVISIONAL PREMISES LICENCE

49a High Street, Musselburgh

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Mr A Parravano, applicant, was present and was accompanied by Mr G D'Agostino, front-of-house manager. Mr Macdonald provided Board members with the restaurant menu and photographs of the premises.

The Clerk advised that there are no objections to the application but Police Scotland had commented regarding deliveries, off sales and outdoor drinking. She added that the application engages the overprovision policy and that the supporting statement from Mr Macdonald had been issued to members.

Mr Macdonald confirmed that deliveries and off sales have now been removed from the operating plan/application. He provided background information about the applicant and the premises, stressing the commitment to supporting licensing objectives and providing family friendly premises.

In response to a question from Councillor Currie, Mr Macdonald acknowledged that there is still the need to obtain a permit for outside drinking. Replying to Councillor Grant, Mr Macdonald addressed the issue of overprovision, highlighting that the premises offer a restaurant facility and that the applicant would prefer to address the licensing objectives responsibly rather than operate a 'bring your own bottle' policy.

Insp Harborow advised that Police Scotland recommend a terminal hour of 22.00 hrs for the outdoor drinking. Mr Macdonald advised that his client was agreeable to this. The Licensing Standards Officer (LSO) indicated his support for the application.

Councillor Currie remarked that the property had a history of being licensed premises and stated that the applicant would be judged against the undertakings that had been given.

Noting the absence of objections from any third parties, Councillor Innes supported the application.

Councillors Akhtar and Grant added their support to the application

Decision

East Lothian Licensing Board agreed to grant the provisional premises licence.

3 MAJOR VARIATION OF A PREMISES LICENCE

3(a) Habaneros (Brewed and Baked), 83 High Street, Musselburgh

The clerk advised that the applicant is Punch Partnership Limited and that the application seeks to vary off sales to 11am – 10pm Monday to Sunday; add

takeaways as an activity; permit access to children and young persons; change wording to read: the premises may be used for various activities of refreshment meals and takeaways outwith core hours; to note that no alcohol will be sold outwith core hours; to change the premises name to Habaneros; and to change the description to Mexican Cantina and Takeaway. She added that the application engages the overprovision policy.

Mr N Hassard of TLT Solicitors was present to represent the applicant. Mr M Binnie and Mr A Binnie, premises operators, were also present.

Mr Hassard advised the Board that the application does not seek to extend the terminal hour beyond midnight and apologised if there had been confusion with regard to this; provided background information on the fledgling restaurant chain; stressed that a very limited range of alcoholic drinks would be on offer before; and provided information on the reasons for requesting the variations to the premises licence.

In response to questions from Councillor Currie, Mr Hassard indicated that his client would like to retain a terminal hour of midnight, but the premises would close at 11pm if there is no demand and Mr M Binnie advised that changes had been made with regard to the refuse arrangements as a result of neighbour feedback.

Replying to Councillor Grant, Mr Hassard advised that there would be no display of off sales alcohol and that there would be no alcohol off sales without the purchase of food.

Police Scotland had no further comments to make. The LSO reported that he has had a lot of positive contact with Mr M Binnie and stated that he supported the application.

Councillor Currie was heartened that the terminal hour would not be 1am and supported the application.

Councillor McAllister added his support to the application.

Councillor Innes welcomed the development of these premises and supported the application.

Councillor Grant indicated his support for the application.

Decision

East Lothian Licensing Board agreed to grant the variations to the premises licence.

3(b) Miners' Social Welfare Club (Royal Musselburgh Golf Club)

The Clerk advised that the application seeks to increase core hours on Friday and Saturday nights from midnight to 1am; for funeral receptions to commence prior to core hours but no earlier than 10am; and to vary the position in relation to the use of recorded music and televised sport outwith core hours, but not prior to 6am.

Mr D Cumming, Management Secretary and Mr S Cross, Clubhouse Manager were present to represent the applicant.

Mr Cumming addressed the Board in relation to the over provision statement. He drew members' attention to the fact that the increase in the terminal hour on Fridays

and Saturdays is to facilitate safer dispersal of patrons at the end of the night when they are waiting for transport to take them home.

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

Councillor Innes commented on the important role that the club plays in the local community, adding that there have never been any reports of noise or other issues. He supported the application.

Councillor Akhtar echoed these comments and added her support.

Councillor Currie noted that this is a well run establishment and supported the application.

Councillor McAllister added that he is in support of the application.

Decision

East Lothian Licensing Board agreed to grant the variations to the premises licence.

4. REQUEST FOR REVIEW OF PREMISES LICENCE

4(b) Cockenzie and Port Seton Bowling Club

The Clerk advised that this was a supplementary item following a request from a member of the public. She advised members that if they are minded to grant the request, the hearing would take place at the March 2017 meeting of East Lothian Licensing Board.

In response to Councillor McAllister, the Clerk advised that if the request is granted, members would receive full reports from Police Scotland, the LSO and any other relevant parties before the date of the hearing.

Decision

East Lothian Licensing Board agreed to hold a hearing to review the premises licence.

Signed

Councillor Jim Goodfellow
Convener of East Lothian Licensing Board