



# MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD and EAST LOTHIAN LICENSING FORUM

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THURSDAY 26 JANUARY 2017  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

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**Board Members Present:**

Councillor J Goodfellow (Convener)  
Councillor D Grant  
Councillor W Innes

**Forum Members Present:**

Mr G Hood (Convener)  
Mr D Dickson  
Mrs E Oldcorn, NHS Lothian  
Mr R Ross  
Mr J Thayers, MELDAP

**Attending:**

Ms K MacNeill, Clerk of the Licensing Board  
Ms M Ferguson, Service Manager – Legal and Procurement  
Mr R Fruzynski, Licensing Standards Officer  
Ms G Herkes, Licensing Officer  
Ms L Shearer, Solicitor  
PC H Bowsher, Police Scotland  
Insp A Harborow, Police Scotland  
Mr J Sherval, NHS Lothian

**Committee Clerk:**

Ms J Totney, Team Manager – Democratic Services

**Apologies:**

Councillor S Akhtar  
Councillor S Currie  
Councillor F McAllister  
Councillor T Trotter  
Ms C O'Brien

**Declarations of Interest:**

None

Councillor Goodfellow (Convener) welcomed everyone to the meeting, apologised for the delay in arranging the meeting and commented that the meeting is well attended.

Everyone present introduced themselves.

**1. MINUTE OF THE MEETING OF THE JOINT ELLB AND ELLF 24 SEPTEMBER 2015 FOR NOTING**

Members noted the minute.

**2. MATTERS ARISING**

**Gambling Act 2005 Statement of Principles** – Councillor Goodfellow advised that a report had been submitted to today's meeting of the East Lothian Licensing Board which reported on the results of the consultation exercise for the review of the Board's Statement of Licensing Principles and sought the Board's approval of the attached Statement of Principles for 2016-2019. He commented that there are concerns that there may be an over-provision of gambling premises in East Lothian but acknowledged that there are no criteria for refusal of such premises on the basis of over-provision within the Act.

**3. REVIEW OF THE LICENSING (SCOTLAND) ACT POLICY STATEMENT**

The Clerk reported that it would be sensible to review the policy statement in light of the fact that the Scottish Government Air Weapons and Licensing (Scotland) Act 2015 had been passed. She advised that the Licensing Team were preparing a renewed draft policy statement for consideration by the new Licensing Board that would be appointed following the local government elections in May 2017. She encouraged Forum members to contribute to the consultation process. Mr Hood advised that the Forum would set up a working group at its next meeting. The Clerk advised that statistics would be sought from the NHS and Police Scotland regarding the impacts of alcohol, in order to inform the operating statement. She added that the Council's policy team had been gathering statistics on deprivation and that this information would also be taken into consideration. She encouraged Forum members to engage in discussions about repeated occasional licence applications and home deliveries of alcohol and that ideas would also be welcomed from existing Board members. The Clerk proposed that meetings would be arranged to which the Forum members would be invited.

Mr Hood advised that the next meeting of the Forum is the Annual General Meeting.

Insp Harborow welcomed the opportunity for an early meeting to agree the data sources that would be used. Board members asked that the health statistics be provided in a more readable format.

Mr Sherval undertook to look at the figures and suggested that front-line colleagues could provide some qualitative information in an attempt to make the figures more understandable.

## **Decision**

Members agreed to note this item.

### **4. CLARIFICATION OF OVER-PROVISION WITHIN THE EAST Lothian LICENSING BOARD STATEMENT OF LICENSING POLICY, 2013-2016**

The Clerk advised that this item is on the agenda at the request of Forum members. She added that the Board's current policy states that the whole of East Lothian is an overprovided area but explained that applicants can rebut the presumption against grant but that in those circumstances each case requires a written additional statement to be submitted in advance to the Board addressing the licensing principles. She added that each application is assessed on its own merits in conjunction with the knowledge of local members.

Mr Hood remarked that the over-provision statement doesn't work and that the Board often does not adhere to its own statement. Councillor Goodfellow accepted that this was a fair criticism. Mr Hood stressed that the next over-provision statement needs to change and asked if there would be targeted areas.

Councillor Grant commented that other Licensing Boards in Scotland are experiencing similar issues with their over-provision statement. He commented that when the current policy was decided in East Lothian, Prestonpans and Wallyford & Whitecraig should have been restricted areas, based on statistics. However, as the statistics had been years out of date the over-provision was applied to the whole of East Lothian with each application being decided on its own merits.

Councillor Innes talked about the difficulty in gathering meaningful statistics and determining a definition of over-provision. He also remarked on the fact that hospital statistics can often record alcohol related incidents in error.

Mr Sherval provided some background information on the way that hospital statistics are collected. He stressed that there is a clear desire to provide Licensing Boards with information that is helpful to them when making decisions.

Ms Oldcorn urged members to look beyond the statistics and not build the whole policy purely on statistics.

Mr Ross commented on the increase in alcohol off-sales and the ease with which alcohol could be obtained. He added that public houses are struggling as a result of this.

Mr Sherval stated that it would be useful to have statistics on the amount of alcohol that is sold by the licensed trade for consumption in East Lothian.

Councillor Goodfellow stated that the biggest problem is off sales and that there is a need to tackle the off sales industry and supermarkets and get data from these sources.

Mr Ross challenged as to why it was not a condition when licenses are granted to supermarkets that they have to provide information on alcohol off sales.

Mr Thayers commented that the alcohol related health and community costs need to be considered.

Councillor Innes remarked that the culture of drinking has changed with more people drinking at home, adding that it can be difficult to get people to drink responsibly and lead a healthy life.

Mr Hood commented that the on sale of alcohol is very well regulated but there is no control over supermarkets sales and the home consumption of alcohol.

Mr Thayers suggested that the Forum could do more to engage the community and obtain their views on the matter of over-provision. The Clerk advised that Community Councils are consulted with regard to all new applications.

Mr Ross remarked that a minimum pricing policy could be helpful.

### **Decision**

Members agreed to note this item.

## **5. HOME DELIVERIES OF ALCOHOL/INTERNET PURCHASES**

The Clerk advised that this item is on the agenda at the request of Forum members.

Mr Hood referred to concerns about home deliveries in Gullane, the result of which was that the deliveries had to be made by the personal licence holder. He remarked that this could be unfair to small retailers and asked if supermarket home deliveries of alcohol were done by personal licence holders. Councillor Goodfellow advised that the Board has no control over large supermarkets who deliver alcohol.

Board members discussed home deliveries of alcohol from Amazon and concluded that supermarkets had better training and regulated processes in place than Amazon.

In response to questions from members, the Clerk advised that the Board could set a fixed and consistent policy with regard to home deliveries of alcohol.

Insp Harborow asked about the potential for East Lothian Council to be consulted and advised when the licence for Amazon goes before the Licensing Board in West Lothian and wondered what negotiations were taking place with Scottish Government to control this expanding business. Councillor Goodfellow indicated that clarification could be obtained in writing from Peter Reid at the Scottish Government.

Board Members discussed whether Amazon could operate outwith the area where their licence had been granted and commented that some supermarkets are using agency drivers for home deliveries. Ms Oldcorn advised that Alcohol Focus Scotland and the Director of Public Health Scotland have raised their concerns regarding internet sales of alcohol in general. Ms Oldcorn agreed to forward a copy of their letter to the Licensing Board who will consider their position regarding representations in relation to home deliveries of alcohol by internet providers. Board members suggested that this could be a topic for including on the agenda at the Alcohol Focus Scotland annual conference.

**Decision**

Members agreed to note this item.

**6. MEMBERSHIP OF EAST LoTHIAN LICENSING FORUM – APPOINTMENT/TERMINATION PROCESS AND TERMS & CONDITIONS**

The Clerk advised that she had requested this agenda item. She informed members that there is a legislative requirement for the Council to appoint Forum member on the basis of terms and conditions, as designated by the Council. She explained that this would not alter the current nomination process for new members and that new members would continue to be approved by Councillors. However, there was now a requirement to formalise a more professional approach to Forum membership. She asked Forum members to consider what should be included in the terms and conditions and advised everyone about the Council's duty and responsibilities with regard to the mix of appointments within the membership of the Licensing Forum.

Mr Hood advised that he would look at the criteria for the mix of appointments, which are currently orientated towards public houses.

**Decision**

Members agreed to note this item.

**7. MEET THE NEW LICENSING BOARD, JUNE 2017**

The Convener advised that some of the current Licensing Board members would not be standing for re-election in May 2017 and that there would be new Board members. He outlined the training for new Board members and advised that there would be an early opportunity for Forum members to meet the new Board, following their training on 4 June 2017.

**Decision**

Members agreed to note this item.

**8. ANY OTHER BUSINESS**

Mr Hood asked if there is any training available for Forum members to understand the role of the Licensing Forum given that members are technically overseeing the implementation of licenses. The Clerk indicated that this was a potential role for the Licensing Standards Officer and acknowledged the need to invest in the Forum for it to be proactive and effective.

Ms Oldcorn advised that Alcohol Focus Scotland is looking at this and she would be happy to link in with them in this regard.

Mr Hood remarked that there are proposals for a National Licensing Forum. He added that a questionnaire has been issued which shows that the role of Forums is being taken more seriously.

Councillor Goodfellow closed the meeting, commenting that it had been useful to swap ideas and concerns. He welcomed the fact that Health colleagues were involved with both the Licensing Board and the Licensing Forum.

Signed

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Councillor Jim Goodfellow  
Convener of East Lothian Licensing Board/Convener of the joint  
meeting with East Lothian Licensing Forum



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

**2**

**THURSDAY 30 MARCH 2017  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

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**Board Members Present:**

Councillor J Goodfellow (Convener)  
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:**

Ms D Elworthy, Licensing Officer  
Mr R Fruzynski, Licensing Standards Officer  
Insp A Harborow, Police Scotland  
PC H Bowsher, 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 23 February 2017 were agreed to be a true record.

## **2 REVIEW OF PREMISES LICENCE**

### **Cockenzie & Port Seton Bowling & Recreation Club, Port Seton**

The Clerk advised that the review hearing had been requested by a member of the public. However, a lot of extensive work had been done by the Licensing Standards Officer (LSO) and the complaint was subsequently withdrawn. She stated that there is no longer an objection to the licence.

The LSO commented on the positive outcome following his mediation and negotiation. The Convener stated that the Board is very appreciative of the LSO's involvement.

#### **Decision**

East Lothian Licensing Board noted the verbal report.

## **3 MAJOR VARIATION OF A PREMISES LICENCE**

### **3(a) Lidl, High Street, Prestonpans**

The clerk advised that the application seeks an increase in current capacity from 46.62m<sup>2</sup> to 47.61m<sup>2</sup>; an increased in the alcohol display area for the period of 1 December to 2 January each year to 66.83m<sup>2</sup>; and a change to the alcohol area on the layout plan.

Mr A Williams of Harper McLeod was present to represent the applicant. Ms T Broomfield, Licensing Manager, Lidl, was also present.

The Clerk advised that there had been an objection from the local Community Council. No one was present to represent the objector.

Mr Williams explained the background to the request for the slight increase in capacity, explaining this was due to the redesign of the display area. In relation to the second part of the variation, he outlined the approach taken by his client regarding the festive display of alcohol. He pointed out that there is no objection from Police Scotland and that Lidl is an established business. He acknowledged the objection from the community council and provided details of the processes that are in place to comply with licensing objectives.

The LSO commented that the store is very well run. Police Scotland had nothing to add to their report.

Councillor McAllister stated that he regards Lidl as an extremely responsible trader.

Councillor Akhtar commented on the policies that Lidl has in place to meet the licensing objectives. She added that it would be prudent to advise the community council that the increase just relates to the alcohol display area; she supported the application.

Councillor Curie appreciated the views of the community council, given some of the issues in Prestonpans. However, he noted there are no objections from NHS Scotland on the grounds of public health. He supported the application.

Councillor Grant agreed with the comments made by fellow Board members and added his support to the application.



Councillor Goodfellow congratulated Lidl on their responsible attitude to licensing.

### **Decision**

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

### **3(b) North Berwick Gold Club, Beach Road, North Berwick**

The Clerk advised that the application seeks to amend on-sales hours from 11am to 10am – Monday to Sunday; and to change the description of the premises from “On the ground floor is the club room (also used for dining server within this room where food is served from normally by waitress service, alcohol and refreshments are also provided from stock which is kept out of sight and not on open display” to “ On the ground floor is the Club Room which is multi-purpose room used for dining, meetings, events and receptions with a fully operational alcohol and refreshment server.”

Ms M Watkins, Assistant Secretary, was present to represent North Berwick Golf Club. She explained the reasons behind the application, advising that this was primarily to offer flexibility for visiting golfers.

The LSO advised that there has been full consultation with North Berwick Golf Club and Police Scotland had nothing to add to their report.

Councillor Currie supported the application, adding that the variation is consistent with that granted to other similar clubs and Councillor Akhtar commented on the need to support the tourism sector in East Lothian; comments that were echoed by Councillors McAllister, Grant and Goodfellow.

### **Decision**

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

## **4. OCCASIONAL LICENCES**

### **Broxmouth House, Dunbar (9 Occasional Licence Applications)**

The Clerk advised that a series of occasional licenses had been granted for Broxmouth House.

Mr A Williams of Harper McLeod was present to represent the application. Mr S Flame, applicant, was also present.

Mr Williams explained that his client cannot apply for a full premises licence until planning issues have been resolved with East Lothian Council. He provided detailed information on the discussions that have taken place in this regard, adding that he was hopeful that the planning application would be determined soon.

In response to Councillor McAllister, Mr Williams advised that the marquee is used for six months of the year for around 14 weddings. He also informed the Board that there will be two further potential bookings later in the year.

Insp Harborow referred to the Police Scotland report and stated that there are still concerns that the premises continue to operate without a full premises licence.

Councillor Currie stated that the position is far from ideal, especially as occasional licences are not subject to the same level of scrutiny as a full licence application. However, he acknowledged that planning matters are being progressed. He was of the view that this should be the last time that occasional licenses were granted and, given all the circumstances, supported the applications.

Councillor Akhtar accepted that there is a valid explanation as to the delay in applying for a full premises licence. She supported the applications but stressed that should further occasional licence applications be submitted to the Board, a planning officer would be required to be in attendance.

Councillor McAllister added his support.

Councillor Grant agreed with the comments made by other Board members and hoped that the planning issues would be resolved quickly.

Councillor Goodfellow indicated that the Board would reluctantly grant the occasional licences and echoed the concerns of other members regarding the ongoing use of occasional licences.

Given potential timing issues in relation to Board meetings for the two potential bookings, the Board agreed to delegate power to the Clerk of the Licensing Board to grant these two occasional licence applications.

**Decision**

East Lothian Licensing Board agreed to grant the occasional licence applications and to delegate power to the Clerk of the Licensing Board to grant two potential further occasional licence applications.

Before closing the meeting, Councillor Goodfellow, Convener, commented that this would be the last meeting of the current East Lothian Licensing Board, given the local election to be held on 4 May 2017. He thanked the Clerk, Board members, Licensing Staff, Licensing Standards Officer and Police Scotland for their vital role in supporting the licensing objectives and the control of alcohol in East Lothian.

Councillor Grant thanked the Convener for his effective chairmanship of the Board for the last five years.

Signed .....

Councillor Jim Goodfellow  
Convener of East Lothian Licensing Board

3 April 2017

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EL445

East Lothian Council  
Licensing Board  
John Muir House  
Haddington  
EH41 3HA

Carolyn Corrigan

Dear Sir/Madam

Personal Licence Number: [REDACTED] – Carolyn Allson Shaw Corrigan

It is with regret to inform you that I was convicted on 7 March 2017 with a Road Traffic Act 1988 S5(1)(A) for a drink driving offence. I hold the personal licence and the premises licence for Mach Enterprises, Jet Station, Post Road, Tranent, EH33

I did inform the court immediately that I had a Personal Licence.

I fully regret my actions and I would like to know what the next step would be.

Yours faithfully

[REDACTED]  
Carolyn Corrigan

EAST LoTHIAN COUNCIL  
LICENSING

- 4 APR 2017

RECEIVED

Date 12<sup>th</sup> April 2017



**POLICE  
SCOTLAND**

Keeping people safe

Your Ref: EL445

Our Ref: J/LIC/3705/HB

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

Philip Gormley QPM  
Chief Constable

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 - PERSONAL LICENCE HOLDER DUTY  
TO NOTIFY LICENSING BOARD OF CONVICTIONS  
CAROLYN [REDACTED] CORRIGAN, [REDACTED]**

I refer to the above and your correspondence. In terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005, I have to advise you that Carolyn Corrigan has been convicted of the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
07/03/2017 (conviction date)	Edinburgh Sheriff Court	Road Traffic Act 1988 Section 5 (Drink Driving)	Fine £500, Disqualified 20 months

I am unable to confirm the existence of any foreign offence in respect of Mrs Corrigan.

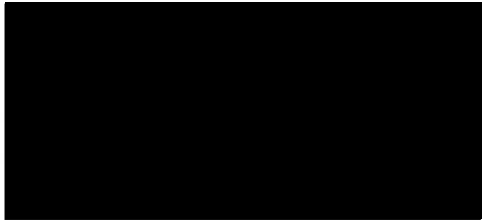
Carolyn Corrigan was granted her personal licence by the East Lothian Licensing Board on 1<sup>st</sup> September 2009, Licence number EL445.

Mrs Corrigan is currently the designated premises manager of Mach Enterprises, Petrol Filling Station, Post Road, Tranent.

The details of this incident are narrated in the appendix to this letter for the Boards consideration and attention.

This Chief Constables view is that the Board should consider all the options open to them under Section 83(9) of the Act.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01620 826147



**East Lothian Licensing Board meeting, 25 April 2017**

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Please note, that for data protection purposes, the following page has been deliberately removed from the public papers.