



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

**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a lot of extensive work had been done by the Licensing Standards Officer (LSO) and the complaint was subsequently withdrawn.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