



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

**THURSDAY 26 OCTOBER 2017
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Goodfellow
Councillor J Henderson
Councillor J McMillan

Clerk of the Licensing Board:

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

Attending:

Mr R Fruzynski, Licensing Standards Officer
Ms M Winter, Licensing Officer
PC H Bowsher, Police Scotland

Present:

Ms E Oldcorn, NHS Lothian

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor C McGinn

Declarations of Interest:

None

1 MINUTES FOR APPROVAL

The minutes of the East Lothian Licensing Board meeting of 28 September 2017 were approved as a true record, subject to the amendment agreed on page 2, paragraph 5; the inclusion of the word 'not', to read: "... he does not envisage ...".

Matters arising: Councillor Goodfellow requested that, in relation to the occasional licence application for Broxmouth House, a written update report be submitted by the Planning Officer to the next meeting of the Board. This was unanimously agreed by members.

2 STATEMENT ON OCCASIONAL EXTENDED HOURS OVER THE FESTIVE PERIOD

Councillor Dugdale, Chair of East Lothian Licensing Board, made the following statement on behalf of the Board regarding extended hours over the festive period:

In terms of Section 67 of the Licensing (Scotland) Act 2005, the Board has determined that it is appropriate to grant a general extension of licensed hours for the festive period. This extension will apply from Friday 15 December 2017 until Wednesday 3 January 2018 inclusive and will allow an extension of the terminal hour for the sale of alcohol during the period until 2am. This extension will only apply to on-sales and not to off-sales of alcohol. There will be no general extensions beyond this although any applications for extended hours outwith the general extension will be considered on a case-by-case basis. It should be noted that such applications will require to be submitted no later than 1 December. There is no need for licensees to apply for the general extension to 2am. On sales premises can utilise these hours to the extent they consider appropriate.

The Clerk advised that a representation, recommending a reduction in the general extension period, had been received from the East Lothian Licensing Forum. She informed members that their view would be taken into consideration when developing the future Board policy.

Decision

East Lothian Licensing Board agreed the statement on occasional extended hours over the festive period.

3 GRANT OF PROVISIONAL LICENCE Garleton Lodge, 3 West Garleton Holdings, Haddington

Ms J Hood, Licensing Practitioner was present to represent the applicant. Ms A Cockerton, applicant, was also present.

The Clerk advised that an over provision statement had been issued with the meeting papers, an objection had been received from NHS Lothian in relation to off-sales, and Police Scotland had commented in relation to over provision.

Ms Hood talked through her over provision statement and highlighted the salient points. She described the premises location, reported on accolades that had been awarded, explained that her client supported local produce suppliers/East Lothian Food & Drink and would be hosting product launches and tastings, stressed that off-sales would only be available to guests and residents (as recommended by NHS

Lothian), drew members' attention to the risk assessment she had submitted, and explained that the premises have an alcohol servery area rather than a bar.

Ms Oldcorn welcomed the condition to restrict off-sales to residents and guests. However, she pointed out that if the premises changed hands it could result in a more general off-sales offering and that NHS Scotland would therefore prefer to restrict off-sales to residents only.

Ms Hood pointed out that NHS Lothian have not identified or linked any risk of harm to these premises and stated that if a condition is placed on the licence it would require a major variation before that condition could be removed in the future.

PC Bowsher commented that the application is outwith the Board's over provision policy, but that Police Scotland have no objections to the application.

The Licensing Standards Officer (LSO) complimented the applicant on her well-run premises and business operation and reported that there have been no complaints in relation to Garleton Lodge.

The Board members and the Clerk adjourned in private to deliberate.

On returning to the meeting, Councillor Henderson sought clarification on the controls that are in place in relation to the drinks display area. Ms Hood explained that there is no alcohol on display, that drinks are served to the tables, and that alcohol for sale is in a locked cupboard.

In response to a question from Councillor McMillan, Ms Cockerton advised that products are on display during launch events but that the events are by pre-registration or invitation only.

Ms Hood stated that there is no external signage to indicate that Garleton Lodge is a licensed premise and confirmed that the marquee had been removed from the operating plan, under advice to the Council's planning department. She added that any gaming would be in relation to a charity race night.

Councillor Dugdale advised that she was minded to grant the application subject to the condition that off-sales are restricted to residents and their invited guests, and people attending organised events.

Councillors Bruce, Henderson and Goodfellow individually concurred with Councillor Dugdale's views.

Councillor McMillan supported the application but recorded his concern that guests required transport to get to and from the premises.

Decision

East Lothian Licensing Board agreed to grant the provisional licence subject to the condition that the off-sales of alcohol is limited to residents and their guests and people who have been invited to attend events.

4. MAJOR VARIATION OF PREMISES LICENCE

4a) Ross High Rugby Football Club, 91 Blawearie Road, Tranent

Mr I Hastie, Rugby Club Treasurer, was present. Mrs MacKenzie, objector, was also present.

The Clerk advised that the application seeks to change the licence to an open Club licence and include the following activities outwith core hours: receptions including weddings and funerals, music, dance facilities, televised sport, and to change the terminal hour on Sundays from 11 pm to midnight. She advised that there is one public objection and one letter of public support, adding that the application is outwith the Board's over provision statement.

Mr Hastie provided a verbal report and explained the background to the application for an open licence.

Mrs MacKenzie stressed that she has no objection to the extended opening. However, she provided the Board with information on the issues she is currently experiencing in relation to smokers, taxis, the use of bad language from patrons, early morning brewery deliveries, and the disposal of glass bottles into the bottle bank at midnight. She asked that the issues be addressed.

The Clerk acknowledged the issues and pointed out that the LSO could provide some mediation between the club and Mrs MacKenzie and that the club should provide Mrs MacKenzie with a point of contact/mobile contact number.

In response to a question from Councillor McMillan, Mr Hastie explained the arrangements for managing the bar.

PC Bowsher commented that the application is outwith the Board's over provision policy and advised that Police Scotland had contacted the club several times to encourage them to move to an open licence. She added that she was unaware of the issues as Mrs MacKenzie had never made an official complaint.

Ms Oldcorn had no comment to make.

The LSO indicated that measures need to be taken to prevent nuisance and complaints. He added that the premises have previously been granted occasional licenses for 18th birthday parties and that the premises are generally well run, although there have been previous situations where occasional licences should have been applied for. The LSO supported the application.

PC Bowsher stressed the need to inform the LSO and Police Scotland in advance of 18th and 21st birthday parties. Mr Hastie advised that he would instruct the Club Secretary to do this, adding that they always have guest lists for such parties.

In response to Councillor McMillan, PC Bowsher stated that it is her view that the club had been non-compliant in the past which is why Police Scotland had encouraged the move to an open licence.

Councillor McMillan supported the application but sought reassurance there would be strong management of the premises and that the issues would be addressed.

In response to Councillor Dugdale, Mr Hastie advised that adult entertainment would be speakers at ticket-only dinner events.

Councillor Goodfellow supported the application and urged Mr Hastie to address the issues via mediation.

Councillor Henderson was minded to grant the application and encouraged the applicant and the objector to work together. She stressed the importance of having a strong management structure and asked that this be relayed to the relevant officers at the club.

Councillor Dugdale was minded to grant the application on the basis that there would be mediation, a view that was re-stated by Councillor Bruce.

Decision

East Lothian Licensing Board agreed to grant the major variation of the premises licence and asked that the LSO obtain contact details for both parties with a view to arranging mediation.

4b) Winterfield Golf and Sports Club, St Margaret's, Back Road, Belhaven

Mr K Lees, Applicant, and Mrs J Lees were present. Mr and Mrs Lees are the club stewards.

The Clerk advised that the application seeks to change the licence to a club licence; include off-sales from 10am – 10pm; change on-sales time to open at 10am (previously 11am); change the terminal hours: Sunday, Monday and Tuesday from 10pm to 11pm, Thursday and Saturday from 10pm to 1am, Friday from 11pm to 1am; add activities: films, recorded music, gaming, and conference facilities; increase capacity by 20 to 150; and add Yes to outwith core hours for conference facilities, bar meals, receptions, and group meetings etc, recorded music, films, televised sports, and outdoor sports.

The Clerk further advised that there are five public objections, a letter of support from the community council and one public letter of support. She reported that there are no objections from the LSO; Police Scotland and NHS Lothian have noted that the application is outwith the Board's over provision policy; and NHS Scotland has made a representation in relation to off-sales. There were no objectors present.

Mrs Lees provided detailed information about the premises and highlighted the high standards that are applied at the golf club. She reported that the club membership had increased by 140 under their stewardship; informed the Board of their aspirations to refurbish the premises and their progress to date; and pointed out that the residents of the nearest residential premises, which is 300 metres away, support their application.

Mrs Lees addressed each of the five letters of objection in turn, responding to concerns and comments that had been raised about music events, outdoor drinking, noise issues/traffic noise, light pollution, increased drinking on the beach, littering from off-sales, community use of the clubhouse hall, the criteria for off-sales and increased traffic.

In response to the representation from NHS Scotland, Mr Lees explained that the earlier hours would not be advertised and are to enable the club to provide refreshments after a round of golf for golfers who tee-off around 7am. Ms Oldcorn appreciated the explanation but still supported the NHS Lothian representation and the Board's policy.

The Clerk pointed out that there is a precedent for golf and bowling clubs to be licensed from 10am and advised that the opening time does not apply to members only.

In response to a question from Councillor Goodfellow, Mr Lees advised that the increase in hours to 1am would only apply if there was a function and that overall, the premises would continue to be run as a club.

The LSO commented that this was a reasonable end time for functions and weddings. He added that he had no concerns about the application and complimented the new management on the premises.

PC Bowsher fully supported the application for an open licence.

Board members unanimously stated their support for the application and Councillor Goodfellow thanked the applicants for their well-presented case.

Decision

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

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board