

EAST LOTHIAN

Meeting 22 February 2018 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Premises Licence Review(s)

Premises	Applicant	Date Received	Comments
2 NISA LOCO RASUL BROS 96 LOCHBRIDGE ROAD NORTH BERWICK EAST LOTHIAN EH39 4DP	POLICE SCOTLAND	29 January 2018	
3 MACMERRY MINERS WELFARE & SOCIAL CLUB 13A MAIN STREET MACMERRY EAST LOTHIAN EH33 1PB	POLICE SCOTLAND	22 January 2018	
4 PANS CONVENIENCE STORE 5 HAWTHORN ROAD PRESTONPANS EH32 9QW	POLICE SCOTLAND	8 February 2018	



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Date 15th January 2018

Your Ref: EL246

Our Ref: 28452

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 36
PREMISES LICENCE REVIEW APPLICATION
LICENCE NO: EL246
PREMISES: Macmerry Miners Welfare & Social Club Tranent
Main Street, Macmerry, East Lothian, EH33 1PB.
PREMISES LICENCE HOLDER: Committee**

In terms of section 36(1) of the Licensing (Scotland) Act 2005 I hereby make application to the East Lothian Licensing Board for a review of the premises licence in respect of the premises known as Macmerry Miners Welfare & Social Club Tranent, Main Street, Macmerry.

This application for review is made in terms of the grounds set out at Section 36(3)(a): that one or more of the conditions to which the premises licence is subject has been breached.

Local Condition

8. The Club must give 7 days notice to the Licensing Police and the Licensing Standards Officer of any 18th or 21st birthday parties.

And in terms of Section 36(3) (b) on grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely:

- Preventing crime and disorder
- Preventing public nuisance

In support of this application, and in terms of section 36(5A) the following information is provided for your consideration:-

The premises stands on its own and is set in a rural location on the main road within the village of Macmerry. Whilst it still operates as a members club the premises benefits from an 'open' licence, the Designated Premises Manager being John Martin McGovern.

The Board may or may not be aware that previously the premises licence was taken to review in July 2012 due to the premises not adhering to the conditions of their 'club' licence at that time. Following that review hearing the premises received a written warning and a local condition was attached to the premises licence in relation to giving 7 days notice to the Licensing Police and the Licensing Standards Officer of any 18th or 21st birthday parties taking place within the premises.

On Wednesday 16th August 2017 an email was received from a representative of the club (Lynsey Higgins aka Fraser) informing the Police Licensing Officer and Licensing Standards Officer that there was to be two 18th birthday parties within the club, one on Friday 18th August and one on Saturday 19th August 2017. Ms Higgins apologised in advance of the late notice.

The police received two calls from members of the public on the night of the 19th August 2017, one at 2246 hours, reporting loud 'rave' music coming from the premises and youths outside screaming and shouting. Another at 2257 hours, in relation to youths drinking alcohol outside and someone smashing glass.

On police arrival there were approximately 40 youths who were all clearly intoxicated. The majority were in good spirits however a handful became involved in a verbal altercation with neighbours who had approached them and complained regarding their behaviour. By the time officers arrived the club was shut and staff were not spoken to.

On Tuesday 22nd August 2017 the Police Licensing Officer sent an email to the club representative Lynsey Higgins highlighting the issues reported and suggested that the club promote 'consideration' for neighbours and make sure that whoever is booking the function, have sufficient taxis / buses ready to take people away from the area at the end of the function. It was also noted that the notification for these events were 2 – 3 days. Not the 7 days notice as required.

At 2115 hours, on Saturday 9th September 2017 the Police Licensing Officer and her female colleague attended at the premises on a routine visit. They spoke with bar staff within the premises who confirmed that there was a private function on within the club. At that time there were no issues with approximately 80 patrons in attendance. On leaving the premises and entering the police vehicle outside, officers noticed several males, through the windows of the male cubicles, within the toilets of the premises. Their heads were up against the glass, faces facing down as if to snort what appeared to be a substance from the window ledge. Officers reentered the premises and spoke with a committee member (Ian Redpath) who was asked to go into the male toilets with the female officers. Police

found traces of white powder on the window ledge of both cubicles which proved positive for cocaine when tested. Staff were made aware and told to make regular toilet checks throughout the night.

On Friday 24th November 2017 an email was received from Lynsey Higgins apologizing for the short notice, that they had taken a 'last minute' booking for a joint 18th / 21st birthday party that night. The Police Licensing Officer was not on duty that night and therefore the local police officers were not aware of the function taking place.

That night, the police received two calls from members of the public at 2254 hours reporting groups of youths outside the club kicking the bus stop and causing general nuisance.

Police attended and made a search of the area, but the youths had boarded a bus towards Haddington prior to their arrival.

Enquiries were made at the club and it was established that there had been a function on within the premises. Staff informed the police that they had shut the bar early (approx 2230hours) due to someone within the venue throwing a shoe at the bar staff. The following morning, one of the committee members reported an assault to the police as a result of trying to usher the crowd out of the premises. The committee member stated that he had been punched to the face and had a small cut above his eye.

There were no calls logged by the police from staff that night, and no attempt had been made to report the disturbance or preserve any crime scene.

On Monday 27th November 2017 a call was received from the person who had booked the function, reporting that he had been assaulted within the premises on the 24th November by a male he suspected to be the boyfriend of one of the bar staff. It was initially reported that this male sustained several broken/cracked ribs having been punched and kicked to the body, in the foyer of the premises, whilst attempting to usher his party guests out of the premises. It was later confirmed following a hospital appointment that the male had sustained bruised ribs, injuries not as serious as first thought.

There is an ongoing police investigation into both these assaults.

On Thursday 7th December 2017 the Police Licensing Officer made arrangements with the club to carry out a formal meeting with committee members, following the reports of assault and anti social behaviour.

Present at this meeting were John McGovern (DPM), Ian Redpath (Secretary), Jim Fortune (Chair), Jessie Young (Vice Chair) and Lyndsey Higgins.

It was highlighted to the committee that they had breached a condition of their premises licence by hosting the party on the 24th November without giving the Police Licensing Officer and Licensing Standards Officer 7 days notice.

They agreed that this was not acceptable and gave assurances that it would not happen again. Discussion followed re the lack of CCTV within the premises and the need to utilise SIA (Security Industry Authority) door stewards to check ID and carry out searches etc. It was also discussed regards the benefits from having qualified door stewards to manage a safe dispersal of the premises and assist the committee in promoting the licensing objectives.

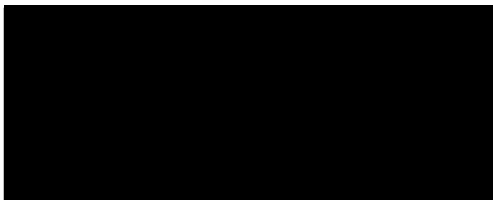
Advice was given in relation to contacting the police, at the earliest opportunity if staff intended to end a function prematurely due to the risk this may cause and potential conflict situation.

At the conclusion of this meeting the committee were informed that a request for a review of their premises licence would be sought, due to them breaching a condition of their licence and to promote the licensing objectives 'preventing crime and disorder' and 'preventing public nuisance'. The committee indicated that they would look to implement SIA door stewards and CCTV within the premises.

It is with this in mind, that I request that the Licensing Board considers the aforementioned grounds for review and respectfully request that under Section 39(2)(b) make a variation of the premises licence, in respect of the following additional conditions

- CCTV to be installed within the premises to the satisfaction of the Police
- Utilising SIA door stewards at every 18th and 21st birthday party
- Written policies in relation to dispersal of the premises, drug misuse on the premises and search policies all to the satisfaction of the LSO and Police

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01620 826147.

EAST LOTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

**From: R. Fruzynski,
Licensing Standards Officer**

**To: K. MacNeill
Clerk to the Licensing Board**

Date: 02 Feb. 18

**Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE REVIEW**

**MACMERRY MINERS WELFARE SOCIETY & SOCIAL CLUB, 13C MAIN
ROAD, MACMERRY, EAST LOTHIAN EH33 1PB**

On Monday 22nd January 2018, I was informed that Police Scotland had requested a review of the above Premises Licence.

In terms of the Licensing (Scotland) Act 2005, I have prepared the attached report, which is submitted for the consideration of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Licensing Standards Officer's Report

Previous Decision of the Board

In 2012 the Premises Licence of Macmerry Miners Welfare and Social Club was reviewed on the basis of concerns regarding the management and control of the premises and patrons, and non compliance with the Licensing (Clubs) (Scotland) Regulations 2007, and the local Licensing Board Statement of Licensing Policy in respect of the signing in ratio of guests by members.

At the review hearing on Thursday 12th July, 2012 the Licensing Board concluded that a written warning should be issued in terms of Section 39(2)(a) of the Licensing (Scotland) Act 2005 on the grounds that the Club had breached the licensing objectives of preventing crime and disorder and preventing public nuisance and had operated in breach of the rules on signing in guests.

The Board also imposed a variation to the Premises Licence requiring that the Club:

- Appoint a Licensing Liaison Officer by 31st July 2012, who had received appropriate certificated training.
- The Club must notify the Licensing Standards Officer and the Police 7 days in advance of hosting any 18th or 21st birthday parties on the premises.

On 9th August 2012, Macmerry Miners Welfare and Social Club applied for a major variation to the Premises Licence to convert the club to an 'Open licence'. This was granted by the Board on 27th September 2012 and effectively removed the need to sign in guests to the club.

Management of the Premises since 2012

No issues were identified by the Licensing Standards Officer or Environmental Protection Teams until 2014 when there were 3 complaints concerning events at the premises, as follows:

22/02/2014 22:53 – Complaint of Loud Noise. Night Time Noise Team visited at 2317 hours. Very low level noise could be heard from outside the Club. A function was clearly taking place. There were numerous people outside and people going in and out. Each time the door opened it banged loudly when it was closed over. There were loud voices.

NTNT contacted the club and spoke to a female member of staff. A lot of noise could be heard in the background (music and voices) and the staff member was finding it difficult to hear. Advised of the noise complaint and for the need to control the volume of the music. NTNT Officer also advised of the noise being made by the people outside and the door banging. The female advised that she would see what she could do.

NTNT visited again at 00:07 hours on 23/02/14. The function had ended and people were leaving. Lots of people in the car park and taxis present.

23/05/2014 19.11 - Macmerry Miners having a party this evening and these parties are usually very noisy, they have had a few parties recently and the Police have been called and could not control the problems. Caller does not want give name or address as their property has been vandalised and members of the family have been attacked when complained about previously.

Two NTNT officers were in vicinity at time and noted that large groups were entering the club but no problems were ongoing at the time of the complaint.

30/05/2014 23.10 - 18th Birthday Party taking place at the Club and large groups of young people were outside the venue smoking shouting, laughing and talking loudly and generally causing a disturbance. Night Time Noise Team attended at 23.45. 5 persons at the bus stop and 10 persons on the steps of the Club. Someone inside shouted it was the last dance and everyone went inside and no further noise disturbance was heard.

Issues concerning the above problems were later addressed by the LSO with the Committee at a meeting on 30th November 2016. From that time onwards, over the following 3 years, there have been no further issues reported to Licensing Standards.

In relation to the requirement to notify the LSO 7 days in advance of any 18th or 21st Birthday parties, Licensing Standards has received notifications from the Club Secretary of these functions on a regular basis. Looking at the last two years, as an example, a total of 32 18th birthday and 11 19th birthday parties have been notified to the Police and LSO. On 5 occasions the notifications were very late.

Date of notification	Date of Party	18 th Birthday Party	21 st Birthday Party
06/01/2016	16/01/2016	√	
23/01/2016	12/02/2016	√	
02/03/2016	11/03/2016	√	
31/3/2016	09/04/2016	√	
	16/04/2016	√	
	21/05/2016	√	
	27/05/2016	√	
18/04/2016	29/04/2016	√	Joint 18 th & 19 th Party
04/05/2016	13/05/2016	√	
03/06/2016	03/06/2016		√ (Late notification)
03/07/2016	16/07/2016	√	
21/07/2016	05/08/2016	√	
22/09/2016	01/10/2016	√	
	21/10/2016	√	
24/11/2016	10/12/2016	√	
	17/12/2016	√	
05/01/2017	06/01/2017		√ (Late notification)
12/01/2017	28/01/2017		√
	03/03/2017	√	
02/02/2017	24/02/2017	√	
	03/03/2017 (duplicate)	√	
02/03/2017	18/03/2017	Charity event	
	04/04/2017	√	
	20/05/2017	√	
04/05/2017	13/05/2017	√	

	20/05/2017 10/06/2017 07/07/2017	√ √	√
01/06/2017	01/07/2017 29/07/2017	√ Charity event	
16/08/2017	18/08/2017 19/08/2017	√ (Late notification) √ (Late notification)	
12/09/2017	22/09/2017 23/09/2017 30/09/2107 06/10/2017	√ √	√ √
24/11/2017	24/11/2017	Joint party √	√ (Late notification)
25/01/2018	23/02/2018 02/03/2018 03/03/2018 16/03/2018 17/03/2018 06/04/2018	√ √ √	√ √ √

As previously stated, apart from the late notification of 18th and 21st birthday parties, there have been no issues brought to the attention or identified by Licensing Standards since the 3 complaints received in 2014. The liaison between the Secretary, Lynsey Higgins, Mr Ian Redpath and the LSO has been good, and the annual checks of staff training records and mandatory signage has not identified any issues.

The Club is one of the very few licensed premises in East Lothian that accept bookings for 18th and 21st birthday parties since these events frequently result in anti-social behaviour, drunkenness and damage to property. It is therefore important that the police, in particular, are notified of these events in order that officers are aware of the potential problems that may occur and are able to attend them quickly. The issues associated with these type of parties are concerning to the extent that the Licensing Board is currently consulting on the introduction of a mandatory requirement for all licensed premises that intend hosting 18th and 21st birthday parties to notify the police and LSO a minimum of 14 days prior to each function.

This report is submitted for the information of Licensing Board members.