



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 25 JANUARY 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Board Members Present:

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

Clerk of the Licensing Board:

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

Attending:

Ms L Shearer, Solicitor
Mr R Fruzynski, Licensing Standards Officer
Ms C Shiel, Licensing Officer
Ms M Winter, Licensing Officer
Insp A Harborow, Police Scotland
PC H Bowsher, Police Scotland
Mr J Sherval, NHS Lothian
Ms E Oldcorn, NHS Lothian

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

None

Declarations of Interest:

None

1 MINUTES FOR APPROVAL - 23 November 2017

The minutes of the East Lothian Licensing Board meeting of 23 November 2017 were approved as a true record.

2 GRANT OF PROVISIONAL LICENCE

2 (a) Buenos Aires Café & Grill, 76 High Street, Musselburgh

Mr A Macdonald, Macdonald Licensing was present to represent the applicant. Mr N Ahmed, applicant, was also present.

The Clerk advised that there are no public objections or adverse comments and that the application engaged the Licensing Board's over provision statement.

Mr Macdonald provided members with background information about the premises and a precis of his client's experience in the hospitality industry. He explained the rationale for requesting that alcohol deliveries be included in the licence; outlined the training and checks that would be put in place; and stressed that off-sales are not a major part of the business.

In response to questions from Board members, Mr Macdonald and his client provided additional information on the approach to staff training, and clarified that the premises no longer have a bring your own bottle policy. Mr Macdonald confirmed that the prices for off-sales of alcohol would be identical to the on-sales prices and that his client would be agreeable to this being a condition in the licence.

Insp Harborow advised that there are no objections from Police Scotland. He sought assurances that delivery books and day sales books would be available for Police Scotland to inspect. Mr Macdonald confirmed that this would be the case.

The Licensing Standards Officer (LSO) stated that he had no objections and supported the application.

Decision

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

2 (b) Seton Sands Holiday Village – Owners Exclusive Lounge, Seton Sands Caravan Park, Seton Sands, Port Seton

Mr P Lawson, Hill Brown Licensing, was present to represent the applicants. The principal applicants Mr J Stirling, Holiday Park General Manager, and Mr C Smith, proposed manager of the Owners Lounge, were also present.

The Clerk advised that there are no public objections and that there are representations from Police Scotland in relation to the terminal hour for trading on Mondays, Tuesdays and Wednesdays, and in relation to the terminal hour for the outside drinking area.

Mr Lawson provided information about the site and advised that this general description also applies to item 3 on the agenda. He pointed out that this Owners Lounge, which is scheduled to open in March 2018, would replace a smaller existing facility currently located in another part of the caravan park. Addressing the comments from Police Scotland, Mr Lawson explained that the terminal hour of midnight for Mondays to Wednesdays already exists for the rest of the complex and he wishes to

keep this consistent across the whole park. He added that the outside decking drinking area is some distance from near neighbours who could be disturbed, but that he would be happy to change the terminal hour for the outside area, per the Board policy. Mr Lawson stated that there will be seven or eight personal licence holders employed over the entire complex.

Board members asked several questions in order to establish the potential maximum capacity of the premises and who would be entitled to use the premises. Mr Lawson explained the photo entry card system, the number of cards that are issued, and who is eligible to obtain these cards. Councillor Goodfellow suggested that the application wording should be amended to read caravan owners and priority card holders, and not just caravan owners.

Mr Stirling answered further questions in relation to complaints and anti-social behaviour. He also advised that there could be monthly events in the Owners Lounge where admission is by ticket only with a restriction on the total number of tickets available.

Councillor McGill commented that there is a potential pool of 6,000 people who could use the Owners Lounge. Mr Stirling advised that evidence from another caravan park shows that usage is generally low and peaks at around 150 people. Responding to further questions, Mr Stirling outlined the security arrangements that would be put in place at the premises, and stated that as the terminal hour is already 12 midnight in the existing licence with regards to children and young people.

In response to a question from Councillor Dugdale, Chair of East Lothian Licensing Board, Mr Lawson confirmed that adult entertainment should be removed from the application.

Insp Harborow advised that the current terminal hour of 12 midnight on Mondays to Wednesdays is the singular exception to the Board's policy and he would prefer that this terminal hour is not retained should the provisional licence be granted. He reported that the site is well run and he is happy with the relationship between the site's security team and Police Scotland. However, given that there would now be two separate venues on the site providing alcohol, he sought that consideration be given to the issue of transition between the two premises. Insp Harborow stood by his comments regarding the terminal hour for the outside decking drinking area, given the proximity of other caravans on the site.

Following a short debate, Mr Lawson stated that the caravan park residents do not have the same status as hotel residents and cannot obtain alcohol outwith the licensed hours for the premises. Regarding the issue of transition between the two venues, Mr Lawson pointed out that there would be greater potential for this if the new Owners Lounge has a different, earlier, terminal hour to the rest of the complex.

The LSO supported the comments made by Police Scotland regarding the terminal hour of 22.00 hours for the outside decking drinking area, and remarked that the premises are well run with good working relationships between all parties.

There were no comments from Mr J Sherval, NHS Lothian.

Councillor Goodfellow stated that, in the main, he would support the application if the wording was changed to refer to caravan owners and Priority Card holders. Mr Lawson suggested the wording should read 'priority card holders' and the Clerk confirmed that the application could be amended to reflect this. Councillor Goodfellow added that while he would prefer to restrict the terminal hour on Mondays to Wednesdays to the Board's standard licensing hours, he felt it necessary to be consistent across the two

licensed sites on the complex. However, he favoured a terminal hour of 22.00 hours for the outside decking drinking area.

Councillor McMillan agreed that it would be inconsistent not to retain the 12 midnight terminal hour and supported the 22.00 hours terminal hour for the outside drinking area. Given that the caravan park is a closed complex, he suggested that it could be prudent to create guidelines on membership and behaviours for such communities; adding that this could be considered as part of the Board's revised Statement of Licensing Policy.

Councillor Bruce concurred that the terminal hour of the outside drinking area should be 22.00 hours.

Councillor McGinn commented that a consistent terminal hour for both venues on the complex was favourable to prevent patrons migrating from one site to another. He supported a terminal hour of 22.00 hours for the outside drinking area.

Councillor Henderson stated that she would be reluctant to create inconsistencies in the terminal hours across the complex. She added that the change of wording in the application, as suggested by Councillor Goodfellow, would be beneficial.

Councillor Dugdale supported a terminal hour of 22.00 hours for the outside drinking area along with consistency in the terminal hour of 12 midnight for the Owners Lounge.

Decision

East Lothian Licensing Board agreed to grant the provisional premises licence subject to a terminal hour of 22.00 hours for the outside decking drinking area.

Sederunt: Councillor McGinn left the meeting.

3 GRANT OF PREMISES LICENCE Seton Sands Holiday Village Shop, Seton Sands, Port Seton

Mr P Lawson, Hill Brown Licensing, was present to represent the applicants. Ms K White, shop manager, and Mr J Stirling, General Manager of the caravan site, were also present.

The Clerk advised that the premises had previously operated for a number of years with temporary and occasional licences, adding that there are no public objections.

Mr Lawson provided background information about the premises. He reported that the building warrant had now been sorted out and that the application in relation to an on-site supermarket with a small alcohol off-sales section, is straight forward. He added that the alcohol is responsibly priced.

There were no questions from Board members.

Police Scotland had no comments to make.

The LSO commented positively on the long-term stability of the staff and management at the premises.

In response to Councillor McMillan, Mr Stirling provided information on how the staff manage the differing expectation of families and children in their licensed premises.

There were no comments from Mr J Sherval, NHS Lothian.

Decision

East Lothian Licensing Board unanimously agreed to grant the Premises Licence.

4. REQUEST OCCASIONAL EXTENDED HOURS FOR ROYAL WEDDING – 18 AND 19 MAY 2018

The Clerk advised that a UK-wide communication had been issued by Greene King/Belhaven Brewers suggesting a general extension for the weekend of the Royal Wedding. She pointed out that premises in East Lothian are already licensed for the hours being suggested and that the Licensing Board would therefore not be making any declaration in relation to extended licensed hours on 18 and 19 May 2018.

5 DRAFT STATEMENT OF LICENSING POLICY – 2018-2022 and NHS PRESENTATION

The Clerk advised that Mr J Sherval, NHS Lothian, would be giving a presentation to the Board to help inform their decisions in relation to the over provision statement in the 2018-22 Statement of Licensing Policy.

Mr Sherval gave an informative presentation which included survey results and statistics. He highlighted the issues regarding availability of alcohol; the percentage of alcohol that is purchased from supermarkets; the mortality rates from alcohol; the lack of specific data relating to East Lothian; and the lack of consumption level data.

The Board debated the statistical data at length and members commented on matters such as the need for prevention and early intervention; the importance of establishing the human cost of alcohol, and the difficulty in obtaining hard evidence in regard to this; and the use of local knowledge to inform Licensing Board decisions. Board members suggested that NHS Lothian lobby for sales data to be provided by every off-sales outlet. Mr Sherval confirmed that NHS Scotland have already lobbied for this data and, although he would be happy to lobby again, suggested that the Board write to the appropriate Cabinet Ministers advising that the Board would be in a position to make better informed decisions if they had this data.

Insp Harborow stated that it is vital to reach a position on overprovision which would support future Board decisions. He also stressed the importance of all premises hosting 18th or 21st birthday parties to give a minimum of 14 days' notice to Police Scotland and the LSO. He added that Police Scotland's interest in over provision relates to off-sales of alcohol and the access that youths have to alcohol.

The LSO addressed members in detail regarding the Draft Statement of Licensing Policy 2018-2022, with the content being debated at length by all present. The LSO advised that the draft policy would be going out for public consultation, and the Clerk encouraged Board members to suggest questions for inclusion in the consultation.

The following contributions were made:

- The consultation should collect responses/data by area, via postcode information.
- The consultation could have several options for the public to select from in relation to off-sales overprovision.

- Amend the wording in the draft at 21.2 to allow the Board to use local knowledge and background information to inform their decisions.
- Build in an exception to allow requests from small local shops in new developments which are yet to be built.
- Try and engage younger people to respond to the consultation; via guidance staff in schools via the Licensing Forum's annual consultation with schools, via the Police Scotland youth volunteers, and via QMU student union.
- Include an article on the consultation in the spring edition of the Council's 'Living' newspaper.
- Consider arranging a members' briefing to share the Board's draft policy with other East Lothian Councillors and seek their input.
- There was unanimous support for restricting the festive season general extension of hours to only a few days, per the feedback from East Lothian Licensing Forum.
- There was unanimous support for the completion of a supplementary information form to accompany all applications for a premises licence, provisional licence, occasional licence or a major variation to an existing licence.
- It was acknowledged that the introduction of minimum pricing will make the lower end alcohol sales a profitable business with more people wanting to enter this market place.

It was proposed that the following questions be included in the consultation:

- What is your postcode?
- Should licence holders be required to release information about the alcohol sales in their premises?
- To what extent do you accept that some events should be alcohol free, especially where children and young people are attending/participating?
- How well do you think licensed premises and off-sales meet the licensing objectives?
- Do you think it would be reasonable to restrict the general extension of licensed hours at the festive period to Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day? (*bearing in mind any exception required depending on the days of the week that these fall*).

The Clerk advised that she would finalise the consultations questions in conjunction with the LSO and issue them to Board members.

Sederunt: *Mr Sherval and Cllr McMillan left the meeting.*

The LSO then outlined the proposed changes in relation to dealing with unpaid annual licence fees; enhanced guidance that would be produced in relation to outdoor smoking areas and alcohol deliveries, and the increased emphasis on stock security and layout plans.

The Clerk re-stated the need to produce an over provision statement and reminded members that there is not the evidence to support that the whole of East Lothian is over provided for. She made it clear to members that they need to be clear that over provision is not the same as sufficient provision.

The Clerk thanked the LSO for producing the draft policy document and extended her thanks to Police Scotland, East Lothian Licensing Forum and NHS Lothian for their input. She advised that the consultation would be for a three-month period and that the findings would be presented to the Board in August 2018, with the Statement of Licensing Policy 2018-2022 being adopted in time for the October 2018 deadline.

Decision

East Lothian Licensing Board note the presentation and debate.

Signed

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Councillor Fiona Dugdale
Convener of East Lothian Licensing Board

DRAFT

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises

1 THE MAIN COURSE
40 MAIN STREET
GULLANE
EAST LOTHIAN
EH31 2AP

Applicant

U. CROLLA & SONS LTD
C/O MACDONALD LICENSING
LIMITED
21A RUTLAND SQUARE
EDINBURGH
EH1 2BB

Date Received

15 January 2018

Comments

Increase of capacity for on sale to 87. Variation to layout plan showing extension to the premises for Kitchen, and existing kitchen area to be an increased seating area.

EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0181

2(b) Name and Address of Premises

The Main Course
40 Main Street
Gullane
East Lothian

Post Code EH31 2AP

Phone No.

2(c) Full Name and Address of Current Licence Holder

U. Crolla & Sons Ltd
1a Torphicen Street
Edinburgh

Post Code EH3 8HX

Phone No. [REDACTED]

SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

N/A

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

To increase the on sale capacity to 87

3(c) Variation to the Layout Plan of the Premises Licence

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

To substitute a new Layout Plan showing the extension to the Premises, in which will be located the kitchen, and the area previously occupied by the kitchen will be an increased seating area.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence

(e.g. Alteration to the description of the premises contained within the Premises Licence)

SECTION 4: LICENCE TO BE AMENDED
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES **NO**

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)
.....

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£150** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150 is enclosed.

Signature



..... (See note 5 below)

Date

12/1/18

Capacity: APPLICANT / AGENT (delete as appropriate)

If agent, please provide name, address, phone number and (if applicable) email address

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114

Fax: 01620 827253

Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Name, address and postcode of premises to be licensed.

40 Main Street
Gullane
East Lothian
EH31 2AP

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</i>
<i>*Delete as appropriate</i>	

Question 2

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11.00am	23.00pm
<i>Tuesday</i>	11.00am	23.00pm
<i>Wednesday</i>	11.00am	23.00pm
<i>Thursday</i>	11.00am	00.00midnight
<i>Friday</i>	11.00am	00.00midnight
<i>Saturday</i>	11.00am	00.00midnight
<i>Sunday</i>	11.00am	00.00midnight

Question 3

STATEMENT OF *CORE* TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00am	22.00pm
<i>Tuesday</i>	10.00am	22.00pm
<i>Wednesday</i>	10.00am	22.00pm
<i>Thursday</i>	10.00am	22.00pm
<i>Friday</i>	10.00am	22.00pm
<i>Saturday</i>	10.00am	22.00pm
<i>Sunday</i>	10.00am	22.00pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
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**If YES – provide details*

The premises may benefit from Seasonal Variations as decided by the Board for certain general events and specific occasions.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1	COL. 2	COL. 3	COL. 4
<i>5(a) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	Yes	Yes	Yes
<i>Bar meals</i>	No	No	No
<i>5(b) Activity Social functions including:</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	Yes	Yes	Yes
<i>Club or other group meetings etc.</i>	Yes	Yes	No
<i>5(c) Activity Entertainment including:</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Recorded music – see 5(g)</i>	Yes	Yes	Yes
<i>Live performances – see 5(g)</i>	Yes	Yes	Yes
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	Yes	Yes	Yes

<i>5(d) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Outdoor drinking facilities</i>	No	No	No
<i>5(e) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Adult entertainment</i>	No	No	No

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

Certain Activities answered “yes” in column 4 may take place during periods of Seasonal Variations or Extensions to Permitted Hours.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Deliveries
Takeaways
Outside Catering
Live Performances will be acoustic music and no later 11pm.

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
<i>*Delete as appropriate</i>	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

Children and young persons are welcome on the premises. Children require to be accompanied by an adult.

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

No restriction (0-17 years).

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

No restriction.

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

All public areas.

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

On Sale 87 Off Sale 7.7 m ²

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) *Name*

Luciano Crolla

8(b) *Date of birth*



8(c) *Contact address*



8(d) *Email address and telephone number*


8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01 September 2009	Edinburgh	277642

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature  (see note below)

Date 14/1/18

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

Date 24th January 2018

Your Ref: EL0181

Our Ref: J/LIC/3705/HB

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



**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

Dear Madam,

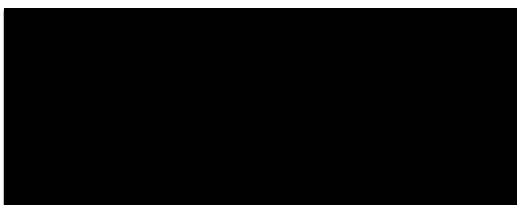
**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
Main Course, 40 Main Street, Gullane, East Lothian, EH31 2AP.
U.Crolla & Sons Ltd**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of an increase to the 'on sale' capacity from 53 to 87. This is as a result of a new extension to the restaurant area.

I have no adverse comment to make regarding the variation proposed.

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: Kirstie MacNeill
Clerk to the Licensing Board

Date: 02 Feb. 18

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION (MAJOR VARIATION)

The Main Course, 40 Main Street, Gullane, North Berwick, EH31 2AP

I refer to the above subject and can confirm that the undernoted premises have been visited in relation to application for a Premises Licence variation.

I have no objection to the grant of this application.

R. Fruzynski
Licensing Standards Officer

Herkes, Gillian

From: Grant, Shona
Sent: 16 January 2018 16:47
To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: Application for Major Variation for The Main Course, Gullane
Attachments: major variation - The main Course, Gullane - operating plan.pdf; The Main Course, gullane - Layout plan - major variation.pdf

Importance: High

I have no objections to this application however I would recommend that the standard noise condition be attached to any approval given.

Regards

Shona

Shona Grant | Team Manager - Public Health and Environmental Protection | Environmental Health Service | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827336 | Email. sgrant@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

From: Winter, Maree
Sent: 16 January 2018 14:26
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Devine, Brian <Brian.Devine@firescotland.gov.uk>; Sherval, Jim <Jim.Sherval@nhslothian.scot.nhs.uk>; Oldcorn, Elizabeth <Elizabeth.Oldcorn@nhslothian.scot.nhs.uk>; gaccsecretary@gmail.com
Subject: Application for Major Variation for The Main Course, Gullane
Importance: High

Hi

Please find attached application form and layout plan received for a major variation to The Main Course, 40 Main Street, Gullane. Please could I have any representations/objections by Thursday 8th February 2018.

Regards
Maree

Maree Winter
Licensing Officer
East Lothian Council
01620 827867

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 26th January 2018

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: The Main Course, 40 Main Street, Gullane

Application type: Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

Herkes, Gillian

From: Johnson, Darren
Sent: 16 January 2018 15:11
To: Licensing
Cc: Environmental Health/Trading Standards
Subject: FW: Application for Major Variation for The Main Course, Gullane
Attachments: major variation - The main Course, Gullane - operating plan.pdf; The Main Course, gullane - Layout plan - major variation.pdf

Importance: High

No objections,

Darren

From: Environmental Health/Trading Standards
Sent: 16 January 2018 14:29
To: Johnson, Darren <djohnson@eastlothian.gov.uk>
Subject: FW: Application for Major Variation for The Main Course, Gullane
Importance: High

From: Winter, Maree
Sent: 16 January 2018 14:26
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; [Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>](mailto:Fruzynski@eastlothian.gov.uk); Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Devine, Brian <Brian.Devine@firescotland.gov.uk>; Sherval, Jim <Jim.Sherval@nhslothian.scot.nhs.uk>; Oldcorn, Elizabeth <Elizabeth.Oldcorn@nhslothian.scot.nhs.uk>; gaccsecretary@gmail.com
Subject: Application for Major Variation for The Main Course, Gullane
Importance: High

Hi

Please find attached application form and layout plan received for a major variation to The Main Course, 40 Main Street, Gullane. Please could I have any representations/objections by Thursday 8th February 2018.

Regards
Maree

Maree Winter
Licensing Officer
East Lothian Council
01620 827867

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	

Council
Hearing
24 FEB 2018
Received

RASUL BROS.
96 Lochbridge
Road
North Beswick
EH39 4DP

2nd February 2018

Dear Ms MacNeill

NOTIFICATION OF REVIEW HEARING

Further to your letter of 29th January regarding the Review Hearing on 22nd February, I am enquiring if you could possibly re-arrange this hearing, for a later date.

I am travelling to Pakistan on the 20th February, for an important ceremony, and hope to return by 6th March.

I would like the opportunity to attend the hearing and hope you give consideration to my request.

Yours sincerely

Date 27th January 2018

Your Ref: EL0136

Our Ref: J/LIC/3705/HB

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



**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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 36
PREMISES LICENCE REVIEW APPLICATION**

**Rasul Bros, 96, Lochbridge Road, North Berwick, East Lothian, EH39 4DP.
PREMISES LICENCE HOLDER: Rasul Bros, 18-26 High Street, North Berwick**

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 as Rasul Bros 96, Lochbridge Road, North Berwick, East Lothian, EH39 4DP.

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.

- Staff Training

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
- Protecting children and young persons from harm

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

NOT PROTECTIVELY MARKED

The premises is a local convenience store situated within a residential area of North Berwick. The licence holder is Rasul Bros. The directors of this company being Maqbool Ahmed and Ghulam Rasul. The Designated Premises Manager is Jabad Ahmed.

The family also run the premises Nicer Foods, 18-26 High Street, North Berwick. The licence holder of this store being Tasneem Akhtar. The DPM being Maqbool Ahmed. It is pertinent to note that Nicer Foods failed a test purchase back in December 2015.

Under the terms of Section 105(3) of the Licensing (Scotland) Act 2005, the Chief Constable may authorise a child or young person (a test purchaser) to buy or attempt to buy alcohol for the purposes of determining whether a person has committed an offence under Section 102 of the Act by selling alcohol to such a child or young person. Test purchasing provides the Police with an essential tool in the fight against underage sales and underpins the no-proof, no-sale provisions, which represent an important safeguard in tackling the underage drinking and antisocial behaviour which adversely affect many communities.

Stringent controls are employed by Police Service of Scotland for the recruitment of test purchasers and the conduct of any Test Purchase Operation. Standard Operating Procedures are in place to ensure that operations are carried out safely, fairly and effectively. The procedures were prepared in consultation with various governmental groups and organisations including the Crown Office, Scotland's Commissioners for Children & Young People, the Society of Chief Officers for Trading Standards in Scotland, the Association of Chief Police Officers in Scotland, the Convention of Scottish Local Authorities and the Scottish Executive, under the auspices of the Scottish Executive Enforcement Advisory Group on Age Restricted Sales.

A Test Purchase Operation may be carried out on premises for any of the following reasons:

- There is intelligence to suggest that alcohol is being sold illegally to persons under 18 years of age from specific licensed premises; and/or
- There is intelligence indicating that the licensed premises are situated in a locality where persons under 18 years of age are consuming alcohol.
- The premises being within a locality where all premises are being subjected to a test purchase operation, in a non-discriminatory manner, to raise awareness in relation to the illegal sale/purchase of alcohol in licensed premises.

Test purchasing involves utilising the services of a young person to enter licensed premises and attempt to purchase alcohol under the direct observation of at least one plain clothes Police Officer also within the premises. The young person must be between 16 and 16½ years of age at the time of a Test Purchase Operation. In addition to age, a test purchaser is continually assessed on their appearance,

NOT PROTECTIVELY MARKED

level of maturity and general character. If, for instance, the young person looks older than 16½ years of age, they will not be used in a Test Purchase Operation.

The test purchaser is told that all questions which may be asked by the seller must be answered truthfully. In particular, the test purchaser must, if challenged, state their correct age. Further, if the initial attempt to buy alcohol is refused, the test purchaser must not try to persuade or coerce staff to make a sale. In short, licensed premises will pass a Test Purchase Operation if staff simply challenge the test purchaser regarding his or her age.

As such, it was decided to conduct a test purchase operation in the East Lothian area in a non-discriminatory manner, to raise awareness, and as part of that operation on the 4th December 2017 a total of 12 'off sale' licensed premises were tested within the North Berwick and Dunbar areas, with 2 failing.

At 1840 hours on Monday 4th December 2017, a Test Purchase Operation was conducted at the premises and a test purchaser was sold a bottle of wine without being asked for identification or being challenged as to their age. Consequently, Jamie Roberts, a Sales Assistant is now the subject of a report to the Procurator Fiscal at Edinburgh Sheriff Court regarding the contravention of Section 102 of the Licensing (Scotland) Act 2005.

In addition, when interviewed by the Police Jamie Roberts could not provide his staff training record for the premises. Officers also noted that there was no 'challenge 25' signage within the store, as recommended.

Consequently, the DPM Jabad Ahmed, is now the subject of a report to the Procurator Fiscal at Edinburgh Sheriff Court regarding the contravention of Section 103(1) and Section 141B of the Licensing (Scotland) Act 2005.

On Monday 11th December 2017, following the test purchase failure, the Police Licensing Officer and East Lothian Council's Licensing Standards Officer, visited the premises. They spoke with the DPM Mr Jabad Ahmed who stated that Jamie Roberts did not have a training record on the premises and that his training record was at the other store (Nicer Foods, High Street, North Berwick). Mr Ahmed was informed that Jamie and all other staff who worked within the Lochbridge Road store required to have a staff training record on the premises when working there. Mr Ahmed agreed to have this rectified as soon as possible.

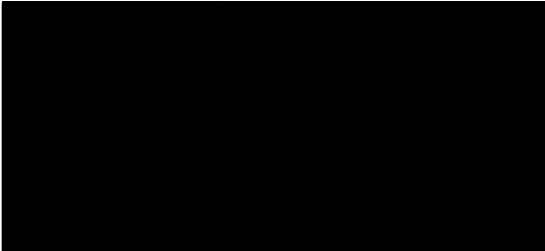
The Police Licensing Officer and LSO noted that there was now 'challenge 25' signage in place. Mr Ahmed admitted to not having any up prior to the test purchase. Mr Ahmed was reminded that the store would be retested within 14 days of the original test purchase failure.

At 1940 hours on Thursday 14th December 2017, a second Test Purchase Operation was conducted at the premises. On that occasion, alcohol was not sold to the Test Purchaser.

NOT PROTECTIVELY MARKED

I request that the Licensing Board considers the aforementioned grounds for review and take such steps as it considers necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39(2) or 39(2)(2A) of the Act.

Yours faithfully



Philip Gormley QPM
Chief Constable

Date: 16/01/2018

For enquiries please contact the Licensing Department on 01620 826147

EAST LoTHIAN COUNCIL

LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES

From: Rudi Fruzynski,
Licensing Standards Officer

To: Kirstie MacNeill
Clerk to the Licensing Board

Date: 05 Feb. 18

Subject: LICENSING (SCOTLAND) ACT 2005 - PREMISES LICENCE REVIEW
NISA LOCO, RASUL BROS., 96 LOCHBRIDGE ROAD, NORTH BERWICK
EH39 4DP

On Monday 29th January 2018, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 that the Licensing Board had accepted an application to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining the basis of the request for the review, which is submitted for the consideration of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Licensing Standards Officer's Report

Nisa Loco, Rasul Bros., 96 Lochbridge Road, North Berwick is a licensed grocery and convenience store.

Summary of Review:

This review relates to the failure of a test operation carried out at the above store on 4th December 2017. At the time, the member of staff who failed the test purchase was unable to produce a signed Staff Training Record, which is a mandatory requirement under the Licensing Scotland Act 2005. The police officers conducting the operation also noted that there were no Challenge 25 signs on display.

Licensing Standards Officer's Observations

The working relationship between the LSO and store has always been a good one and any deficiencies resolved without recourse to formal action. Over the period of 8+ years, since the new licensing regime came into being, the main problem has frequently been that members of the general staff have not had a mandatory Staff Training Record on the premises to show the Licensing Standards Officer when asked to inspect it. The member of staff or the premises manager has frequently made the excuse that the shop assistant's training record was at the sister store in High Street, North Berwick, where the person also happened to work, or that they worked at another licensed premise in the town, where their training record was kept and could be inspected if required. This unacceptable practice was frequently pointed out to the various premises manager who have held the position, including the current manager, Mr Jabad Ahmed. The matter has as always been resolved, but sometimes standards have lapsed, as it did on this occasion, when the store failed a test purchase operation and again, all Staff Training Records were not available for inspection.

As indicated in the police review report, Constable Heather Bowsher and the LSO called at the premises on 11th December and the Staff Training Record in respect of the shop assistant who had earlier failed the test purchase was still not on the premises. At this time Mr Ahmed stated that he had forgotten to retrieve it from the shop in High Street.

On Thursday 1st February 2018, Constable Bowsher and the LSO returned to the shop in Lochbridge Road to check the Staff Training Records of the staff on duty and found one male shop assistant working within the store. He was asked if he had a Personal Licence or a Staff Training Record and he stated he had a training record. When asked to produce the record he stated he thought it was at the sister store in the High Street. He stated that the manager was at the other shop and would be back in 15 minutes if we cared to wait or call back.

At 12.50pm same date, Constable Bowsher and the LSO called at 18-26 High Street, North Berwick and spoke with Jabad Ahmed. He was filling a basket with goods and appeared to be somewhat agitated. He was approached and Constable Bowsher informed him that a visit had been made to his shop in Lochbridge Road and that his shop assistant had stated he thought his

Staff Training Record was at the High Street Store. Mr Ahmed stated he did not have time to deal with the matter as he had to get back to the shop for the schools coming out at lunchtime. It was then simply pointed out that the direction he had been given on numerous occasions that a Licensing Folder be kept at each store, containing the relevant training records, copies of personal licences, a copy of the premises licence and the layout plan, in a place known to and accessible to all members of staff, would satisfy legal requirements and not take up anyone's time when the material was requested for inspection purposes. At this Mr Ahmed stated that he did not have f..... time for this and he was away to his other shop. His attitude was rebuked by the LSO. Mr Ahmed then described how Constable Bowsher and the LSO were 9 – 5pm people who are in soft jobs and did not know what hard work was, unlike him who works all the hours of the day to make a living. At this point, Mr Ahmed's brother spoke up that he agreed with the police and LSO and that his brother had been told so often to get his house in order, but had taken no notice.

Jahbad Ahmed then backtracked and spent a long time apologising to the Officers for his actions and swearing and stated he had had a bad day, and that his attitude was out of character. He then left the shop.

Shortly afterwards, Mr Ahmed made two telephone calls to the Licensing Office apologising to members of the office staff for his comments and attitude towards PC Bowsher and the LSO. He followed these calls up with an email to the LSO apologising profusely for his actions. He confirmed that the member of staff serving earlier in the day at the Lochbridge Road store did have a Staff Training Record, which was in the shop's office. He re-iterated that he had been under pressure and had had a bad bay for which he was sincerely apologetic.

The sentiments of the LSO, in relation to all of the foregoing, is that everyone can have a bad day and that Mr Ahmed's apology is accepted. However, he does need to take on board officials guidance and timeously act on it, recognising that by doing the simple things, that it will save him and his staff anxiety and time when compliance officers visit to check that the conditions of his licence are being complied with.

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

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)	Applicant	Date Received	Comments
2 NISA LOCO RASUL BROS 96 LOCHBRIDGE ROAD NORTH BERWICK EAST LOTHIAN EH39 4DP	POLICE SCOTLAND	29 January 2018	
3 37 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.

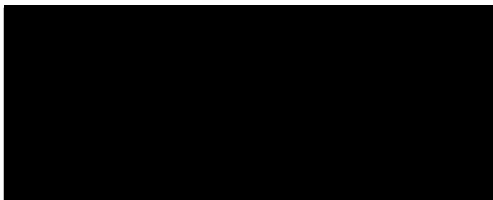
Advice was given in relation to contacting the police, at the earliest opportunity if staff intended to end a function prematurely due to the risk this may cause and potential conflict situation.

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.

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)	Applicant	Date Received	Comments
2 NISA LOCO RASUL BROS 96 LOCHBRIDGE ROAD NORTH BERWICK EAST LOTHIAN EH39 4DP	POLICE SCOTLAND	29 January 2018	
47 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	

Date 7th February 2018



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Your Ref: EL0335

Our Ref: J/LIC/3705/HB

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
H41 3HA

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 - SECTION 36
PREMISES LICENCE REVIEW APPLICATION**

**Pans Convenience Store, 5 Hawthorn Road, Prestonpans, East Lothian,
EH32 9QW.**

PREMISES LICENCE HOLDER: Abdul Nadeem, [REDACTED]
[REDACTED]

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 as Pans Convenience Store, 5 Hawthorn Road, Prestonpans, East Lothian, EH32 9QW.

This application for review is made 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
- Protecting children and young persons from harm

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

The premises is a local convenience store situated within a residential area of Prestonpans. The licence holder and Designated Premises Manager is Abdul Nadeem.

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It is pertinent to note that the premises has previously failed a test purchase back in December 2015. The then, premises licence holder, surrendered the premises licence. The now, premises licence holder Abdul Nadeem, operated on occasional licences while a new application for a premises licence was submitted. In March 2016 a provisional premises licence was granted and in April that year (2016), a full premises licence was granted, with a condition attached that there was a personal licence holder on the premises at all times during licensed hours. At the request of the licence holder, in October 2016, the condition was removed from the premises licence by the Board.

Under the terms of Section 105(3) of the Licensing (Scotland) Act 2005, the Chief Constable may authorise a child or young person (a test purchaser) to buy or attempt to buy alcohol for the purposes of determining whether a person has committed an offence under Section 102 of the Act by selling alcohol to such a child or young person. Test purchasing provides the Police with an essential tool in the fight against underage sales and underpins the no-proof, no-sale provisions, which represent an important safeguard in tackling the underage drinking and antisocial behaviour which adversely affect many communities.

Stringent controls are employed by Police Service of Scotland for the recruitment of test purchasers and the conduct of any Test Purchase Operation. Standard Operating Procedures are in place to ensure that operations are carried out safely, fairly and effectively. The procedures were prepared in consultation with various governmental groups and organisations including the Crown Office, Scotland's Commissioners for Children & Young People, the Society of Chief Officers for Trading Standards in Scotland, the Association of Chief Police Officers in Scotland, the Convention of Scottish Local Authorities and the Scottish Executive, under the auspices of the Scottish Executive Enforcement Advisory Group on Age Restricted Sales.

A Test Purchase Operation may be carried out on premises for any of the following reasons:

- There is intelligence to suggest that alcohol is being sold illegally to persons under 18 years of age from specific licensed premises; and/or
- There is intelligence indicating that the licensed premises are situated in a locality where persons under 18 years of age are consuming alcohol.
- The premises being within a locality where all premises are being subjected to a test purchase operation, in a non-discriminatory manner, to raise awareness in relation to the illegal sale/purchase of alcohol in licensed premises.

Test purchasing involves utilising the services of a young person to enter licensed premises and attempt to purchase alcohol under the direct observation of at least one plain clothes Police Officer also within the premises. The young person must be between 16 and 16½ years of age at the time of a Test Purchase Operation. In addition to age, a test purchaser is continually assessed on their appearance,

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level of maturity and general character. If, for instance, the young person looks older than 16½ years of age, they will not be used in a Test Purchase Operation.

The test purchaser is told that all questions which may be asked by the seller must be answered truthfully. In particular, the test purchaser must, if challenged, state their correct age. Further, if the initial attempt to buy alcohol is refused, the test purchaser must not try to persuade or coerce staff to make a sale. In short, licensed premises will pass a Test Purchase Operation if staff simply challenge the test purchaser regarding his or her age.

As such, it was decided to conduct a test purchase operation in the East Lothian area in a non-discriminatory manner, to raise awareness, and as part of that operation on the 5th December 2017 a total of 26 'off sale' licensed premises were tested within the Prestonpans, Tranent and Musselburgh areas, with 2 failing.

At 1745 hours on Tuesday 5th December 2017, a Test Purchase Operation was conducted at the premises and a test purchaser was sold a four pack of lager without being asked for identification or being challenged as to their age. Consequently, Louise Mackenzie, a Sales Assistant is now the subject of a report to the Procurator Fiscal at Edinburgh Sheriff Court regarding the contravention of Section 102 of the Licensing (Scotland) Act 2005.

Consequently, the DPM Abdul Nadeem, is now the subject of a report to the Procurator Fiscal at Edinburgh Sheriff Court regarding the contravention of Section 103(1) and Section 141B of the Licensing (Scotland) Act 2005.

On Monday 11th December 2017, following the test purchase failure, the Police Licensing Officer and East Lothian Council's Licensing Standards Officer, visited the premises. They spoke with the DPM Mr Abdul Nadeem who stated that Louise MacKenzie had been working for him for approx. 3 years. He produced a training record which was signed by Louise and himself, dated 20th March 2016. He then showed us the CCTV footage of the test purchase sale. The member of staff made no attempt to look at or challenge the TP for ID. Mr Nadeem had no explanation for this.

Additional Information

Following the previous test purchase failure back in December 2015, there were a number of store policies put in place by Mr Nadeem, one of which was to record ALL alcohol sales. This wasn't done on the night (5th December 2017) the Test Purchaser was sold alcohol.

The Police Licensing Officer also noted that back on 23rd March 2016 herself and the LSO visited the premises whilst it was operating under occasional licences. At that time Louise MacKenzie was working within the store, stacking shelves. When asked if she had a training record, Louise stated that she did not have one and that her job was to stack shelves and serve behind the counter. Louise was asked about the sale of alcohol and she stated that she was not allowed to make the sale as she had not completed the training. A short time later Mr Nadeem arrived

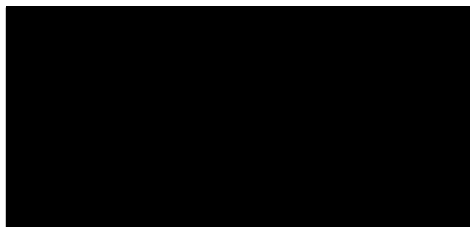
NOT PROTECTIVELY MARKED

at the shop, whilst checking the paperwork, Mr Nadeem produced a training record relating to Louise MacKenzie. This consisted of two pieces of paper which were signed off by Louise and Mr Nadeem dated the 20th March 2016. The Police Licensing Officer quizzed Mr Nadeem about the training record and informed him that when asked, Louise had stated that she did not have a training record and that she did not sell alcohol. Mr Nadeem just shrugged his shoulders and stated that it was there. The LSO asked Mr Nadeem what training material he used. He stated that he had given her 'verbal training'. Advice was given at that time to Mr Nadeem, as to what training material was preferable.

At 1900 hours on Thursday 14th December 2017, a second Test Purchase Operation was conducted at the premises. On that occasion, alcohol was not sold to the Test Purchaser.

I request that the Licensing Board considers the aforementioned grounds for review and take such steps as it considers necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39(2) or 39(2)(2A) of the Act.

Yours faithfully



Philip Gormley QPM
Chief Constable

Date: 17/01/2018

For enquiries please contact the Licensing Department on 01620 826147

EAST LoTHIAN COUNCIL

LICENSING ADMINISTRATION AND DEMOCRATIC SERVICES

From: Rudi Fruzynski,
Licensing Standards Officer

To: Kirstie MacNeill
Clerk to the Licensing Board

Date: 09 Feb. 18

Subject: LICENSING (SCOTLAND) ACT 2005 - PREMISES LICENCE REVIEW
PANS CONVENIENCE STORE, 5 HAWTHORN ROAD, PRESTONPANS,
EAST LoTHIAN EH32 9QW

On Wednesday 7th February 2018, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 that the Licensing Board had accepted an application to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining the basis of the request for the review, which is submitted for the information of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Licensing Standards Officer's Report

I refer to the Police report requesting this review dated 7th February 2018. I do not wish to add anything to the observations contained in this report which relates to the joint police and LSO visits to the Pans Convenience Store on 11th December 2017, following the failed test purchase operation the previous week, and the earlier visit made on 23rd March 2016 when a confusing picture evolved concerning the staff training and sale of alcohol by shop assistant Louise Mackenzie.