



MINUTES OF THE MEETING OF THE EAST LOTHIAN LOCAL LICENSING FORUM

Tuesday 5th September 2017

Eskroom 2, Brunton Hall, Musselburgh

Forum Members Present:

George Hood (Chair)
John Thayers (MELDAP)
Jim Sherval (NHS)
Dave Dickson (P.L.H.)
Sean McCollum (AFS)
Elizabeth Oldcorn (NHS Lothian)
PC Heather Bowsher (Police Scotland)
Stuart Baxter

Council Officials Present:

Jim Goodfellow (CLLR)

Apologies:

Christine O'Brien (Secretary)
Rudi Fruzynski (LSO)
Richard Ross (RASP)
Kirstie MacNeill

1. **Minutes of the previous Meeting held on 5th June 2017**

The Minutes were agreed as a true record.

2. **Licensing Standards Officer Report**

1st June to 31st August 2017

As Licensing Standards Officer, I have been involved in the following applications etc as presented at the Licensing Board:

Licensing Board June 17

This was the first Board after the East Lothian Local Council Elections in May. The new Board comprises: Fiona Dugdale (Chair); Jim Goodfellow; Colin McGinn; John McMillan; Bruce Lachlan; Jane Henderson.

Lanna Thai, 32 Bridge Street, Musselburgh – New Application for a premises licence following the previous owners having dissolved their company and failed to transfer the licence to their new company, meaning that the licence ceased to exist.

Decision: The new application was granted.

91 High Street, Haddington (former George Hotel), Provisional premises licence.

Decision: Granted - Falko Bakery, Gullane will be the new leaseholder.

MRH Dalrymple Service Station, Dirlton Road, North Berwick applied for a provisional premises licence. This was **rejected** by the Board, being an excluded premises and under terms of overprovision. The Board were not convinced that the applicant had demonstrated that there was a significant reliance on the shop for groceries or that sufficient people would be put out if the facility for petrol or DERV was not available. The case will be heard on appeal at the Sheriff Court on 7th September.

North Berwick Bowling Club a premises licence in respect of its new clubhouse.

Decision: Granted

Cockenzie and Port Seton Bowling Club a major variation to its licence to include the bowling green area in its licensed footprint. The significance of this application is that the clubhouse and bowling green are separated by a wide public footpath. Conditions were imposed that no alcohol would be transferred between the clubhouse and the bowling green and vice versa.

Decision: Granted

Co-operative, 118 High Street, Dunbar applied a major variation to permit opening from 06:00 each day for the sale of groceries. No sale of alcohol until 10:00.

Decision: Granted

Jo's Kitchen, 73 Market Street, Haddington a major variation to site 2 tables and chairs within their enclosed area at the front entrance to the restaurant.

Decision: Granted

Lidl UK GMBH Store, Olivebank, Musselburgh, applied for an increase in display area and a overall extended area to be used to meet festive demands between 1st December and 2nd January each year.

Decision: Granted

Cockenzie and Port Seton British Legion, West Harbour Road, Cockenzie a variation to change from club status to an open licence.

Decision: Granted

Sportsmans Bar, major variation to include an outdoor drinking area at the front of the premises, comprising a delineated area with 6 tables and 12 chairs. In addition the premises is to be renamed No 58 and a minor alteration is to be shown in the layout plan for a small food preparation area at one end of the bar servery. Adjustment was also made to the licensed hours to permit a terminal hour of 01:00 on Thursdays to Saturdays, the former hours being to 24:00.

Decision: Granted

Licensing Board July 17

No Licensing Board due to the holiday period.

Licensing Board August 17

In March, Broxmouth Park applied for 9 further occasional licences to hold weddings events in their marquee and big house. This was outwith policy since the premises have now been trading for 5 years without applying for a premises licence. The Board agreed at its meeting in August 2016 that no further licences would be granted unless the applicant returned to the Board and explained why no Premises Licence had been applied for. The applicant stated that difficulties between himself and Planning would soon be resolved and a licence applied for. On the back of this the Board agreed to grant the 9 Occasional Licences applied for together with an additional 1 which was in the pipeline.

In August, Broxmouth Estates applied for a further bundle of occasional licences and was required to return to the Board to explain why no application for a Premises Licence had been submitted. The applicant and his solicitor stated that difficulties continued in coming to an agreement with the Planning Department on change of classification of Broxmouth House as a business and that arrangements were in hand to hold further meetings in due course to resolve the issues. The Board agreed to grant the occasional license for September, but the applicant would require to report back to the Board on 28th September to provide an update on progress made.

NB Distillery Ltd, Halfland Barns, North Berwick provisional licence for its new distillery and visitors centre.

Decision: Granted

The Station Yard Micropub, Station Road, Dunbar applied for provisional licence.

Decision: Granted

The County Hotel, High Street, North Berwick, applied for a major variation to vary its core hours, within Board policy, and to make minor changes to its layout plan.

Decision: Granted

Poonthai's, 7 Westgate, North Berwick applied for a major variation for additional hours at weekends and to increase children's hours to 22:00 each day or until the close if attending a pre-arranged function. They also requested to include deliveries and takeaways, which was agreed on condition that the delivery of alcohol was ancillary to a meal and that the delivery driver had received the appropriate 2 hour training under the Act.

Decision: Granted

Preston Lodge RFC, Bankfoot House, Preston applied for a major variation to change the name of the premises, formerly Prestoungrange Bowling Club; to change the terminal hour on a Saturday to 01:00; to change from a club status to an open licence and to include the bowling green in the licensed footprint.

Decision: Granted

The Railway Hotel, 70 Court Street, Haddington applied for a major variation to change name to The Bell, which was the name of a coach house in the town in the 18th Century. Permission was also granted to add bar meals and restaurant facilities and allow children's access, on the same terms as described in Poonthai's application.

Decision: Granted

Tiger Coast - New owners applied to re-name the premises to the Puffin, which will become a wine bar and bistro. Maximum core hours were also applied for. After hearing from 2 objectors and following much deliberation the changes were approved.

Decision: Granted

Since the last meeting of the Forum, there have been a small number of complaints received relating to licensed premises, namely:

During the period 1st June 2017 to 31st August 2017, the LSO dealt with the following:

Description of Licensing Activity	Red Nos = last 3 months
Applications for Premises Licence	00
Provisional Licence Applications	04
Confirmations	00
Applications for Major variation of Premises Licences	06
Minor Variations`	19
Premises Licence Reviews	00
Personal Licence Review	00
Licences Surrendered	00
Applications for Occasional Licence	139

Applications for Occasional Extensions -	17
Transfer of Licences	01
Complaints received	07

Statement of Licensing Policy

The Clerk to the Board has set up a policy liaison group, which meets on the last Friday of each month. This is attended by a selection of partners including the Forum; Police; Environment/ Safety Advisory Group; MELDAP; NHS; Leisure and Countryside; Licensing Team and Licensing Standards. The group will prepare a draft statement by January 2018, which will then be presented to Board members for consideration before wider consultations on the document takes place. The Forum have indicated a willingness to host 2 public meetings in the County to discuss and debate the content of the draft policy before implementation of it in November 2018.

3. Police Report

PC Heather Bowsher reported:

2 reviews asked for on Personal Licences: both for drink driving, one received an endorsement and the other surrendered his licence prior to the Licensing Board Hearing.

Licensing Officer is working on the Board Policy Statement.

Discussion on Operating Plan and indoor sports. Clarification is required of what is classed as an indoor sport. This was in relation to the likes of boxing events, Cage Fighting and martial Arts that were taking place in licenced premises within the Division.

Festive Period

Police have requested that the Licensing Board reconsider the blanket extension of festive hours. As these are seldom used by licensees. Consideration should be given to shortening the period of time they are granted for. (Reduce the 2 weeks to just a few days over the festive period instead.)

Premises licences being transferred within 28 days (specifically dissolved companies)

The Board to address BYOB events in their Policy Statement.

4. Rasp Report

No report.

5. A.O.B.

A Working Group is set up to respond to Licensing Statement Consultation.

Date of next Meeting-

The next meeting of the East Lothian Licensing Forum will be held at **10.00am on Tuesday 5th December 2017** at Queen Margaret University Students' Union.