



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**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 their private guests, 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 McGinn 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 their private guests. Mr Lawson suggested the wording should read 'private 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

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board