

EAST LOTHIAN

Meeting 24 May 2018 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Premises Licence Review(s)

Premises	Applicant	Date Received	Comments
2 MACMERRY MINERS WELFARE & SOCIAL CLUB 13A MAIN STREET MACMERRY EAST LOTHIAN EH33 1PB	POLICE SCOTLAND	23 April 2018	
3 MASON'S ARMS 8 HIGH STREET BELHAVEN DUNBAR EAST LOTHIAN EH42 1NP	POLICE SCOTLAND	18 April 2018	



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Deputy Chief Constable Designate

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

Date 17th April 2018

Your Ref: EL246

Our Ref:

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

East Lothian Council
24 APR 2018
Received

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

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 February 2018 due to the premises not adhering to the conditions of their licence at that time. Following that review hearing the premises licence was varied to include additional local conditions as follows:

- CCTV to be installed internally and externally at the premises within 3 months of 22nd February 2018.
- Utilising SIA door stewards at every 18th and 21st Birthday Party with effect from 9th March 2018.
- Personal Licence Holder must be present at all private functions with effect from 9th March 2018.
- Written policies are to be put in place in relation to dispersal from the premises, drug misuse on the premises and search policies all to the satisfaction of the LSO and Police with effect from 9th March 2018.

At 1950 hours on Saturday 24th March 2018, a call was received by Police Scotland from the bar steward [REDACTED] stating that there was a joint 18th Birthday Party ongoing within the premises and that staff had confiscated some 'fake' ID's. She stated that there were about 100 guests to attend tonight and that she was concerned that most of them will be underage. She was looking for police assistance in this matter.

At 2020 hours, same date, the Police Licensing Officer and the local Sergeant attended at the premises and spoke with [REDACTED]. It was established that the joint 18th Birthday Party had been rescheduled due to the adverse weather we had at the beginning of March and that the Licensing Liaison, Daniel Gillies, had not notified the Police or the LSO of this change in function date.

[REDACTED] stated that her bar staff had confiscated some ID's that didn't belong to some party goers and that they were attempting to buy alcohol at the bar. She was concerned about the number of under-agers at the function.

During conversation with [REDACTED] it was established that there were a number of things not being done that had previously been agreed with the club to help avoid a situation like this occurring, these included:

- Utilising a guest list with names highlighted as to who are underage.
- ID's to be checked at the door and ticked off the guest list as they enter the premises.
- Wrist banding (or similar) of those who are 18 years and above, to assist in identifying those who are allowed to consume alcohol.

██████████ confirmed they had a guest list in place but admitted that they were not adhering to any of the other points above and therefore had no idea who was in the premises and whether they were over 18 years old or not. She stated that the club had ran out of wrist bands a few weeks ago.

It was also established at this time that the club had no SIA door stewards on duty as per the recent 'local condition' set at the Review hearing in February 2018 and that there were no written policies in place in relation to dispersal from the premises, drug misuse on the premises and search policies all to the satisfaction of the LSO and Police, again, a condition set at the Review hearing in February.

It was agreed by ██████████ that due to the high number of under-agers within the function and that they were attempting to access alcohol, that the party would be called short at 2230 hours as opposed to 2330 hours as planned.

The Police Licensing Officer spoke with both parents of the 18 year olds and explained the situation to them, in relation to their guests producing ID's that did not belong to them and that there were a high number of young people in the venue, some attempting to buy and access alcohol. They were told that the staff would be closing the bar early and that the function would be finished at 2230 hours. The parents were asked to monitor their guests and assist staff within the premises to prevent any under-agers accessing alcohol. The parents accepted this and the event closed at 2230 hours without further incident.

The Police Licensing Officer informed ██████████ that she would be in contact with the chairman of the club (Jim Fortune) and that the club should not be hosting anymore 18th or 21st functions until they have all their conditions in place.

The following week the Police Licensing Officer contacted the chairman Jim Fortune and made him aware of the issues on the 24th March and reiterated to him the need to have all conditions in place prior to hosting anymore functions. Mr Fortune agreed and stated that he was well aware of the outcome at the Review hearing and the obligation on the club to adhere to the conditions attached to the premises licence.

Whilst it is seen as a positive action taken by ██████████ in contacting the police on the night of the 24th March, it is extremely concerning that so soon after the Review hearing in February the club are not adhering to the conditions of their licence again. There are serious concerns about the management of the premises and the notable absence of the DPM John McGovern at any of these functions.

It is with this in mind that 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 of the Act.

Yours faithfully



Iain Livingstone QPM
Deputy Chief Constable Designate

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: 03 May 2018

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

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

On Tuesday 24th April 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 information of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

Licensing Standards Officer's Report

On 22nd February 2018, the Licensing Board heard a review requested by Police Scotland that Macmerry Miners Welfare & Social Club was in breach of the condition which had been placed on its licence requiring it to pre-notify all 18th and 21st birthday parties seven days in advance. Complaints and instances of disorder were highlighted that occurred following a number of parties that had not been notified to the Police or LSO.

The Board determined that the following conditions be imposed on the premises licence:

- i a) CCTV to be installed in the premises to the satisfaction of Police Scotland*
- b) SIA door stewards to be utilised for 18th and 21st birthday parties and all other private functions*
- c) Written policies in relation to dispersal of the premises, drug misuse on the premises, and search policies to be introduced to the satisfaction of Police Scotland and the LSO*
- d) A Personal Licence Holder to be present at 18th and 21st birthday parties and all other private functions*

Condition a) to be implemented within three months. Conditions b), c) and d) to be implemented within two weeks.

ii the Board can instruct a further review of the premises licence on the grounds of preventing crime and disorder

In addition, Inspector Haborow, Police Scotland, offered to assist the Club with their policies to improve safety and reduce anti-social behaviour in the community.

The LSO has received no function notifications or had any contact from Macmerry Miners Welfare & Social Club since the review in February. In addition there have been no inspections or visits made to the premises due to the LSO being out of office for the majority of March and April.

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