

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	

Date 18th April 2018

Your Ref: EL286

Our Ref: IK/APP/318034



**POLICE
SCOTLAND**

Keeping people safe

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

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 36
PREMISES LICENCE REVIEW APPLICATION
LICENCE NO: EL286
PREMISES: Masons Arms
8 High Street, Dunbar, East Lothian, EH42 1NP.
PREMISES LICENCE HOLDER: Christopher Darling**

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 Masons Arms 8 High Street, Dunbar, East Lothian, EH42 1NP.

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
- Securing public safety
- Protecting and improving public health
- Protecting children and young persons from harm

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

The premises is a small pub situated between terraced houses/flats on Belhaven High Street, Dunbar. It has a capacity of 66 with an external beer garden to the

rear. The Premises Licence Holder and Designated Premises Manager is Christopher Darling. Mr Darling has been the licence holder since February 2014.

The premises currently benefits from the following licensed hours:

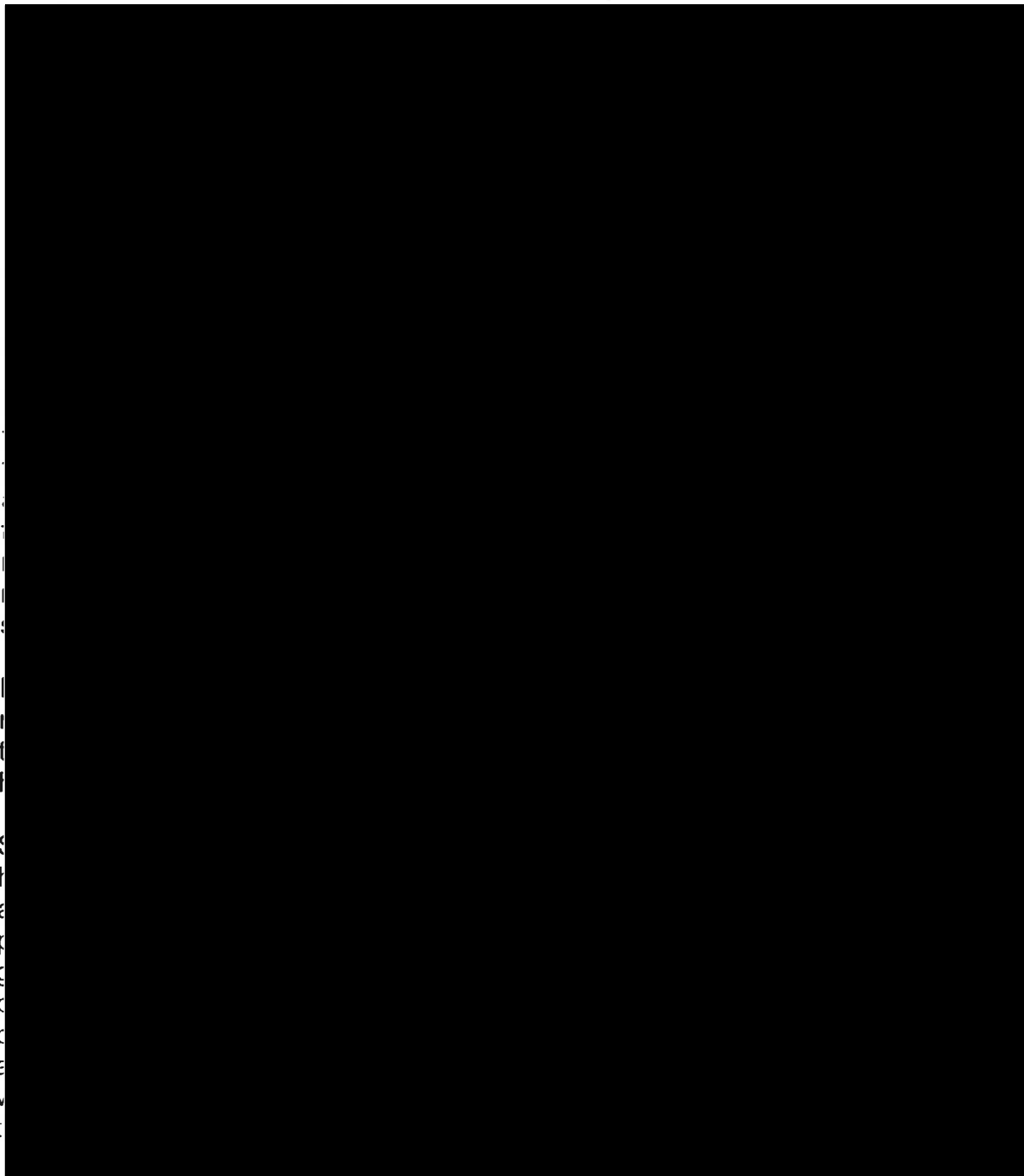
Monday – Thursday 1200-1400 and 1700-2300

Friday – Saturday 1200-0000

Sunday 1230-2300

At 0650 hours on Saturday 31st March 2018, a call was received by Police Scotland [REDACTED]

[REDACTED] the address was given as the Masons Arms, 8 High Street, Belhaven, Dunbar.





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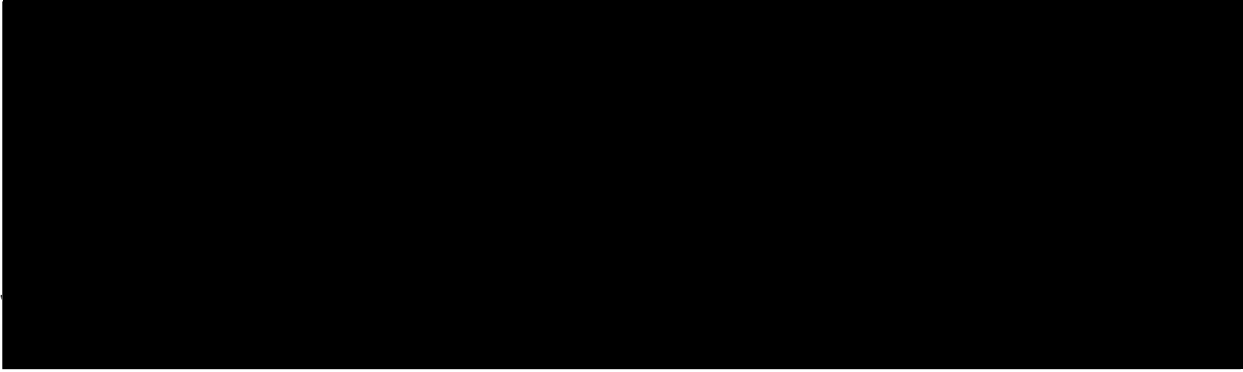
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I request that the Licensing Board considers the aforementioned grounds for review and takes such steps as it considers necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39 of the Act.

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: Rudi Fruzynski,
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 3 May 2018

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

**THE MASONS ARMS, 8 HIGH STREET, BELHAVEN, DUNBAR,
EAST LoTHIAN EH42 1NP**

On Thursday 26th April 2018, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board 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 information relevant to the review for the consideration of Licensing Board Members.

R. Fruzynski
Licensing Standards Officer

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Appendix 1 Extract of Premises Licence Operating Plan - pages 5 & 6

Appendix 2 LSO Premises Visit Reports - pages 7 & 8

Licensing Standards Officer's Report

Mr Christopher Darling has been the Designated Premises Manager of the Masons Arms since February 2014.

The current licensed hours of the premises are as follows:

Licensed hours

ON SALES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	12:00 - 14:00	17:00 - 23:00
<i>Tuesday</i>	12:00 - 14:00	17:00 - 23:00
<i>Wednesday</i>	12:00 - 14:00	17:00 - 23:00
<i>Thursday</i>	12:00 - 14:00	17:00 - 23:00
<i>Friday</i>	12:00	24:00
<i>Saturday</i>	12:00	24:00
<i>Sunday</i>	12:30	23:00

There is no off sales facility attached to the licence.

The Licensing Standards Officer has visited the premises on a regular basis and liaised with Mr Darling keeping him up to date with licensing news, trends and changes in legislation. During a number of visits, guidance was provided that the premises had no approved facilities for gaming, indoor /outdoor sports or televised sports and that a major variation should be applied for in respect of the use of the pool table located in the disused dining room, and darts and televised sport facilities in the bar. An extract of the currently approved activities, as shown in Section 5 of the Premises Licence Operating Plan is shown at appendix 1 of this report. Copies of two visit reports to the premises, where this guidance and advice was recorded, are additionally shown in appendix 2.

Despite verbal reminders that a major variation should be applied for nothing has been received by the Licensing Office.

Mr Darling is a pleasant person to deal with, but his organisational skills are questionable. Every year since his uptake of the tenancy of the Masons Arms reminder letters from the Licensing Office providing full details of the mandatory requirement to pay the Premises Licence Annual Fee by 1st October each year been met by late payment. This required follow up letters, emails and additional visits by the LSO before payments were finally received. A variety of reasons were given for late payment including Mr Darling having been busy decorating his

house and that he does not normally open his mail that is left to his accountant to sort out. Since 2014 the annual fee has always been paid late, as follows:

2014 fee paid 08/10/2014

2015 fee paid 19/10/2015

2016 fee paid 21/11/2016

2017 fee paid 20/11/2018

This information is submitted for the information of Licensing Board members to assist in the determination of this review raised by Police Scotland.

R. Fruzynski

Licensing Standards Officer

Question 5 (Extract of Premises Licence Operating Plan)

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

5(a) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	YES	YES	NO
<i>Bar meals</i>	YES	YES	NO
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including (Weddings funerals,, birthdays, retirements etc)</i>	YES	YES	NO
<i>Club or other group meetings etc</i>	YES	YES	NO
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Music – see 5(g)</i>	NO	NO	NO
<i>Live performances – see 5(g)</i>	NO	NO	NO
<i>Dance facilities – see 5(g)</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>	NO	NO	NO
5(d)	Please confirm	To be provided during core	Where activities are also to be provided

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

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

EXISTING WALLED BEER GARDEN WITH LIMIT ON EVENING USE. APPROX. 20 SEATING CAPACITY.

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.

NONE

LSO Visit Reports

<p>(1) Details (2) Addresses (3) Complainer (4) Documents</p>	
Reference Number	<input type="text" value="0078/2014"/>
Licence Number	<input type="text" value="EL286"/>
Category	<input type="text" value="Premises Licence"/>
Personal Licence	<input type="text" value="- None"/> <input type="button" value="v"/> <input type="button" value=">"/>
Premises	<input type="text" value="Masons Arms"/> <input type="button" value="v"/> <input type="button" value=">"/>
Visit Details	
Priority Level	<input type="text"/>
Type	<input type="text" value="Premises Licence Variation Enquiry"/>
Officer	<input type="text" value="Rudi Fruzynski"/>
Accompanying	<input type="text"/>
Date	<input type="text" value="14/02/2014"/> <input type="button" value="calendar"/> Time <input type="text"/>
Visit Description	<input type="text" value="Met with Chris Darling, DPM. He requested guidance on how to apply for varied chore hours; changes to add gaming; televised sport; etc to the existing licence. Went over the major application process with him and left him an application form and blank operating plan for his information and use."/>
Action Taken	
Action	<input type="text" value="Guidance Given"/>
Action Date	<input type="text"/> <input type="button" value="calendar"/>
Action Details	<input type="text"/>
Notes	<input type="text" value="Checked to see if the new authenticated Premises Licence had been sent out to Chris Darling after the Transfer of Licence and change of DPM had been approved last week. It appears that these documents went to the Clerk of the Board for signing, early this week, and they were posted out mid week. This information was intimated by email to Chris Darling by way of email."/>

(1) Details | (2) Addresses | (3) Complainer | (4) Documents

Reference Number	1133
Licence Number	EL286
Category	Premises Licence
Personal Licence	- None
Premises	Masons Arms

Visit Details

Priority Level	Amber		
Type	Routine Check		
Officer	Rudi Fruzynski		
Accompanying	Police Licensing Officer		
Date	10/02/2016	Time	
Visit Description	Met with Chris Darling. Five patrons in at time of visit. Chris requested guidance on running a beer festival at the pub. Issues discussed.		

Action Taken

Action	Guidance Provided
Action Date	
Action Details	Recommended a major variation to include mid afternoon hours, which are currently not part of the licence; include indoor sports, which is no in the operating plan, but a pool table is located in the diningroom which is used by patrons and the pub pool team and to add in televised sports.

Notes	Follow up email sent 11/02/2016 stating the above.
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