



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

1

THURSDAY 26 APRIL 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Board Members Present:

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

Clerk of the Licensing Board:

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

Attending:

Ms G Herkes, Licensing Officer
Ms C Shiel, Licensing Officer
PC H Bowsher, Police Scotland
Ms E Oldcorn, NHS Lothian

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

Councillor C McGinn

Declarations of Interest:

None

1 MINUTES FOR APPROVAL – 22 March 2018

The minutes of the East Lothian Licensing Board meeting of 22 March were approved as a true record.

2 MAJOR VARIATION OF PREMISES LICENCE

2a Iceland Food Ltd, Newhailes Road, Newhailes, Musselburgh

The Clerk advised that the application seeks to increase the off-sales area from 6.62m² to 15.4m²; vary the licensing hours, Monday-Sunday, from 10 am – 8 pm to 10 am to

10 pm; allow for the sale of groceries and other non-food items (alcohol only within core hours) in and outwith core hours; permit home delivery and ecommerce services; and shall use the premises to launch new products, product sampling and food tasting events.

She reported that there are no objections from Police Scotland, the Licensing Standards Officer (LSO) or members of the public.

Mr N Hassard, TLT LLP, was present to represent the applicant. MR R Hayes, Licensing Manager, Iceland Food Ltd, and Mr D O'Brien, Area Manager, Iceland Food Ltd, were also present.

Mr Hassard provided detailed information on the background to the store refurbishment and tabled literature about the new-look store. He highlighted the fact that there would be the introduction of premium foods, wines and spirits; an additional six jobs would be created; CCTV would be enhanced; bottle tagging and other security measures would be introduced; spirits would be kept in a locked cabinet; advised that the theft of alcohol from the store is very low; and pointed out that the increase in the alcohol display area is not hugely significant in the context of the size of the overall store.

In response to Councillor Henderson, Mr Hassard advised that there will only be a limited range of spirits on sale. He added that one of the reasons behind the refurbishment/new stock lines is to appeal to additional customers who would not typically shop at Iceland.

PC Bowsher referred to the letter from Police Scotland dated 5 March 2018. In addition, she expressed concerns that a member of the management at the store had previously mentioned to her that there is a high incidence of alcohol theft, but it is not reported to the Police. She urged that all thefts of alcohol are reported to the Police. She remarked that at one of the proposed check-outs, the operator would have their back to the alcohol display, and noted that it would be preferable if this were not the case; a point that was echoed by Councillor Henderson.

Ms E Oldcorn, NHS Lothian, referred to the letter in the Board papers and referred to the Board's over provision statement.

The LSO referred to his report dated 2 March 2018. He mentioned the increasing level of alcohol and premium food thefts from supermarkets and stressed that layout plans in future need to satisfactorily prevent crime and disorder, especially given the imminent increase in the minimum pricing for alcohol. He had no objection to the increase in the alcohol display area.

In response to Councillors Dugdale and McMillan, Mr Hassard provided information on the layout and monitoring of the CCTV cameras; explained the crime prevention measures that would be put in place; stated that there would be an increase in the number of different alcohol products, including premium products that would be stocked; and confirmed that Challenge 25 and other notices would be appropriately displayed.

Responding to a question from Councillor Goodfellow, the Clerk advised that if it is a condition of a premises licence that all alcohol thefts are reported to the Police, a licence could be called for review if it is found that such reporting is not carried out.

Decision

East Lothian Licensing Board unanimously agreed to grant the major licence variation, subject to the following conditions:

- that CCTV should cover the whole alcohol display area
- that all spirits are to be stored in a locked cabinet
- that the nearest checkout to the alcohol display area is to be configured so that the operator faces that area

2b Lockett Bros, 133 High Street, North Berwick

The Clerk advised that the application seeks to change the premises from off-sales only to include on-sales; on sales to be to groups of 20 persons; to add children and young persons; include the facility for clubs, group meetings, and talks; information and tasting of specialist gin, whisky and wine societies; include live entertainment to allow for solo music artists or duets at small local events such as Fringe by the Sea.

She reported that no public objections had been received and that there are no objections from Police Scotland or the LSO.

Mr C Lockett, applicant, was present. He provided Board members with extensive information on his plans to diversify his business; stressed that the premises are primarily retail, and are not a bar; and outlined some options for designated spaces within the premises where alcohol tastings would take place.

Mr Lockett advised Councillor Henderson that there could be times when the retail shop is open and there are tastings taking place.

Councillor Goodfellow asked if the areas to be used for alcohol tastings could be delineated; however, Mr Lockett expressed a preference to remain flexible.

Ms Oldcorn sought clarification regarding access for children and young people. Mr Lockett advised that he would be agreeable to her suggestion to restrict pre-booked, chargeable alcohol tastings to over 18s only.

PC Bowsher echoed the comments made by Ms Oldcorn.

The LSO supported the unique business concept being proposed by this specialist retailer.

Councillor McMillan basically supported the application but sought more information on the amount of alcohol/measures that would be dispensed at the one-hour tastings; Mr Lockett provided the details requested and volunteered to cap the hours during which paid-for alcohol tastings would be available.

The LSO reminded the Board that the applicant is bound by the licensing objectives for both on and off sales of alcohol at the premises, and is therefore responsible for any overconsumption of alcohol.

Councillor Henderson supported the application and agreed that there should be no under 18s at the alcohol tasting events.

Councillor Goodfellow indicated he was tempted to support the application but had a minor concern at the lack of information about the use of the internal space for the alcohol tasting events. He suggested that the application might be adjourned to allow

the applicant to give this some thought and to provide an updated layout plan that would provide more detail.

Councillor Bruce asked if the application could be granted subject to an updated layout plan being submitted.

Councillor Dugdale stated that she would be agreeable to the suggestion made by Councillor Bruce.

Decision

East Lothian Licensing Board unanimously agreed to grant the major licence variation subject to receipt of an updated layout plan, and subject to the condition that no under 18s are present at organised on sales alcohol events.

3 OCCASIONAL LICENCES

3a Joel Ghodke, Marquee, Broxmouth House Park, Dunbar, 28-29 April 2018

3b Joel Ghodke, Marquee, Broxmouth House Park, Dunbar, 4-6 May 2018

3c Joel Ghodke, Marquee, Broxmouth House Park, Dunbar, 12-13 May 2018

The Clerk advised that several applications had been received for Occasional Licences.

She reported that no public objections had been received.

Mr A D Williams, WS, was present to represent the applicant. Mr S Flame, premises owner, was also present.

Mr Williams reminded members about the background to the continued applications for occasional licences. In particular he highlighted the issues in relation to planning issues and the delays, by all parties, in resolving these matters. He stated that the Council's planners are now satisfied that there is no material change of use of the house and that the planning department is likely to grant planning permission, albeit that the timescale for this is unknown. He advised that an application for a full premises licence will be submitted as soon as the planning permission is granted. He stated that there is a clear presumption for granting occasional licences and therefore there are no grounds for refusal of these applications.

Mr Flame tabled literature promoting the wedding venue. Councillor Henderson commented on the photographs that had been taken inside the house, and not in the marquee, and expressed some confusion about the obvious use of the house. Mr Flame assured the Board that the house would only be used for weddings in exceptional circumstances, such as bad weather; and that the Council's planning department has accepted this fact.

Councillor Goodfellow was satisfied with the response from Mr Flame regarding the change of personal licence holder to Mr J Ghodke, and acknowledged that Mr Ghodke would be present at all weddings.

PC Bowsher referred to the Police Scotland letter dated 28 March 2018. While there are no objections from Police Scotland, she reminded Board members about the comments they had made at their meeting on 28 September 2017.

There were no comments from the LSO.

Councillor Henderson commented that there is an element of trust, given that the planning application is still to be granted. It was therefore her view that the presumption to grant the licences should not be taken for granted. Mr Williams referred to the legislation that covers the presumption to grant, adding that the Board's Licensing Policy tempers this.

The Clerk advised Board members that further occasional licence applications are in the pipeline for forthcoming weddings. If the Board was minded to grant the applications before them today, she sought agreement that the decision on these forthcoming applications be delegated to her, as Clerk of the Licensing Board.

Mr Williams offered to provide an update on progress prior to the next occasional licence applications, which the Clerk could forward to Board members.

Councillor Henderson acknowledged the need to make a practical decision, but was uncomfortable given that planning permission had not yet been granted.

The Board members adjourned in private to debate the matter.

On reconvening, Councillor Dugdale advised that Board members had unanimously agreed to grant the occasional licences. The Board agreed that an update should be provided to the clerk on the progress of the planning application.

Decision

East Lothian Licensing Board agreed to grant the occasional licence applications and that the applicant's solicitor should provide an update on the progress of the planning application prior to the next Board meeting and that a decision on delegation of pending applications for occasional licences would be taken at that time.

Sederunt: Councillor Goodfellow left the meeting.

4 LETTER FROM LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE – ALCOHOL LICENSING IN SCOTLAND

The Clerk referred to the letter that had been received from the Scottish Government, welcoming views from Licensing Boards. She offered to produce a response on behalf of East Lothian Licensing Board, based on any contributions that Board members emailed to her.

Ms Oldcorn, as a representative of East Lothian Licensing Forum, mentioned that the Forum had not received this letter. She offered to send the letter to Forum members and collate responses. The Clerk undertook to organise this.

Decision

East Lothian Licensing Board agreed that members should email the Clerk with any comments and the Clerk would compile a response to be sent to the Scottish Government.

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
1	WINTON BREWERY 48 LIMEKILNS PENCAITLAND EAST LOTHIAN EH34 5HF	WINTON BREWERY LTD.	26 March 2018	The premises is to used solely for storage of alcohol for internet sales.

ELO 355

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR PREMISES LICENCE

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION *Licensing (Scotland) Act 2005, section 20(1)*

Question 1

Name, address and postcode of premises to be licensed.

48 Limekilns Pencaitland East Lothian EH34 5HF.
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Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.*

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2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

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2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

Winton Brewery Limited

4 Vinefields, Pencaitland, East Lothian, EH34 5HD.

Company No. SC526699

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

[Empty box for providing full name and postal address of club or other body]

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.**

David Mackinnon (Director), [Redacted]

[Redacted]

Steven Holligan (Director), [Redacted]

[Redacted]

*** Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

Question 3

Previous applications

3 Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? **YES/NO***

If YES – provide full details

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Question 4

Previous convictions

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	YES/NO*
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**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

<i>Name & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES Licensing (Scotland) Act 2005, section 20(2)(a)

Question 5

5 Description of premises (where application is submitted by a members' club, please also complete question 6)

Garage to be used for small scale storage and infrequent distribution of alcohol, predominantly that brewed by Winton Brewery Ltd (currently contract brewing out of Loanhead). No beer to be brewed on the premises. Sales for off premises consumption only through internet with proposed sales between 10:00 and 22:00. No members of the public, suppliers or wholesalers to visit the property.

Detached end house property is also for residential use and in rural area. No physical alterations of the property required for proposed use.

Question 6

6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
*Delete as appropriate	

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 Application are true to the best of my knowledge and belief.

Signature  * (see note below)

Date 21/05/18

Capacity WB DIRECTOR APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory 

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<input checked="" type="checkbox"/>
<i>Layout plan</i>	<input checked="" type="checkbox"/>
<i>Planning certificate</i>	<input type="checkbox"/>
<i>Building standards certificate</i>	<input type="checkbox"/>
<i>Food hygiene certificate</i>	<input type="checkbox"/>

*** 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.

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (<i>INITIALS</i>)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

48 Limekilns, Pencaitland, East Lothian, EH34 5HF.
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Question 1

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

<i>I(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>I(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES</i>
<i>I(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

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>	10:00	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	22:00
<i>Friday</i>	10:00	22:00
<i>Saturday</i>	10:00	22:00
<i>Sunday</i>	10:00	22:00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
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****If YES – provide details***

Question 5

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

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

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

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

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.

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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>N/A</i>
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>N/A</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>	NO
	<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*

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

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

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

Question 7

CAPACITY OF PREMISES

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

This premises is proposed to be used solely for the storage of alcohol for internet sales. Capacity, in terms of persons is therefore not applicable.

Question 8

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

Personal details

8(a) Name

Mr Steven William Holligan

8(b) Date of birth

[REDACTED]

8(c) Contact address

[Redacted]

8(d) Email address and telephone number

wintonbrewery@outlook.com
[Redacted]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
10 th January 2017	East Lothian Licensing Board	EL1358

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 [Redacted] * (see note below)

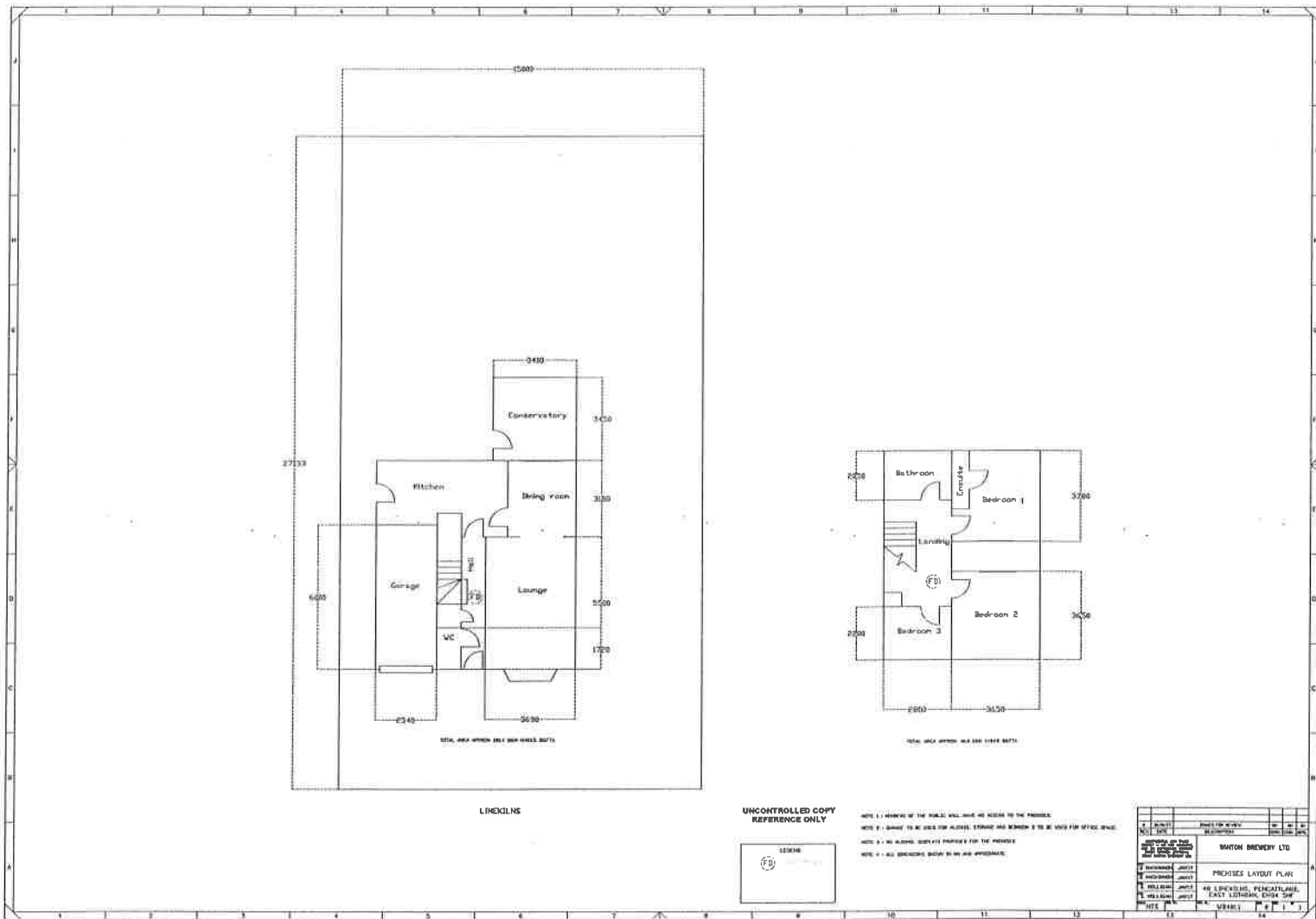
Date 21/03/18

Capacity ... DIRECTOR WB APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory .. [Redacted]

*** 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.



**SUPPLEMENTARY STATEMENT
APPLICATION FOR PROVISIONAL PREMISE LICENCE
WINTON BREWERY, 48 LIMEKILNS, PENCAITLAND, EH34 5HF**

The following information outlines compliance with the licensing objectives set out in the Licensing (Scotland) Act 2005.

- 1. Preventing crime and disorder**
- 2. Securing Public Safety.**

As this is an on-line delivery only service, there is no access to the property by members of the public. This means that the level of alcohol is controlled and therefore has no knock on effects for any crime and disorder on the premises, thus securing public safety.

3. Preventing Public Nuisance

Given the fact that the premises are an on-line Brewery and has no public access, there will be no groups of people accumulating outside so there will be a minimal risk of noise nuisance.

4. Protecting and Improving Public Health

The nature of the Brewery is such that it is for on-line sales only and does not have a bar. This is to provide a service to provide customers who can't access products that we sell, in their local shops and gives them the chance to purchase our products. The Brewery will sell through distributors and direct retail customers as our main sale route.

Online Sales will be controlled by the following:

- a) Purchasers will have to confirm that they are of the legal age to purchase alcohol.
- b) Purchasers will be advised that there are strict controls by the delivery carrier and production of I.D will be requested on delivery.

Given the nature and quality of the products, the company actively promotes responsible drinking. Consumers will be advised on our website to drink responsibly and to drink less but quality products.

5. Protecting Children from Harm

No Children are allowed in the distillery and strict controls are in place in relation to on-line sales.

Winton Brewery only engages a specialist drinks carrier

- a) To ensure the drinks are handled with care
- b) To ensure that employees are specially trained in ensuring no alcohol is delivered to persons under 18 years of age.
- c) Delivery personal will ask for ID for any persons thought to be under the age of 25. This will be in the form of a passport or driving licence (photographic evidence).
- d) Staff will be trained prior to being allowed to deliver alcohol. Challenge 25 is part of the training provided to staff. In the first instance delivery will be by the licence holders and designated premise manager of the firm.

Date 17th April 2018

Your Ref:

Our Ref: IK/APP/314464



**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 Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
WINTON BREWERY
48 LIMEKILNS, PENCAITLAND, EAST LOTHIAN, EH34 5HF.
WINTON BREWERY LIMITED**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Whilst the police have no objection to this application the applicant should be fully aware of his responsibilities in relation to Section 119 of the Licensing (Scotland) Act 2005, relative to 'deliveries' of alcohol.

Yours faithfully



Iain Livingstone QPM
Deputy Chief Constable Designate

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 04 May 2018

Subject: LICENSING (SCOTLAND) ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

48 Limekilns, Pencaitland, East Lothian EH34 5HF

I can confirm that the premises have been visited in relation to this application.

The applicant has been operating the sale and supply of alcohol from these premises since 1st April 2018 by way of Occasional Licences. To date, there have been no complaints received or any identified issues or problems surrounding the operation of the licences.

I would recommend that if the Board is minded to support this application that consideration be given to requiring the following conditions:

- The Internet sales system must verify by declaration that the purchaser is 18 years of age or over before accepting any order.
- The Licence Holder to ensure that delivery staff are trained to the standard prescribed in The Licensing (Training of Staff) Regulations 2007 and the requirements of The Licensing (Scotland) Act 2005 Section 119 in respect of delivery of alcohol from vehicles.
- No alcohol to be left at any address where there is no person to receive it.

At present, there are two similar Premises Licences in place in respect of wine distributors that operate from residential properties in East Linton and North Berwick. They have not been the subject of complaint or operating problems.

This report is submitted for the information and consideration of Board members.

R. Fruzynski
Licensing Standards Officer

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	
MASONS 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.

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	
35 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:

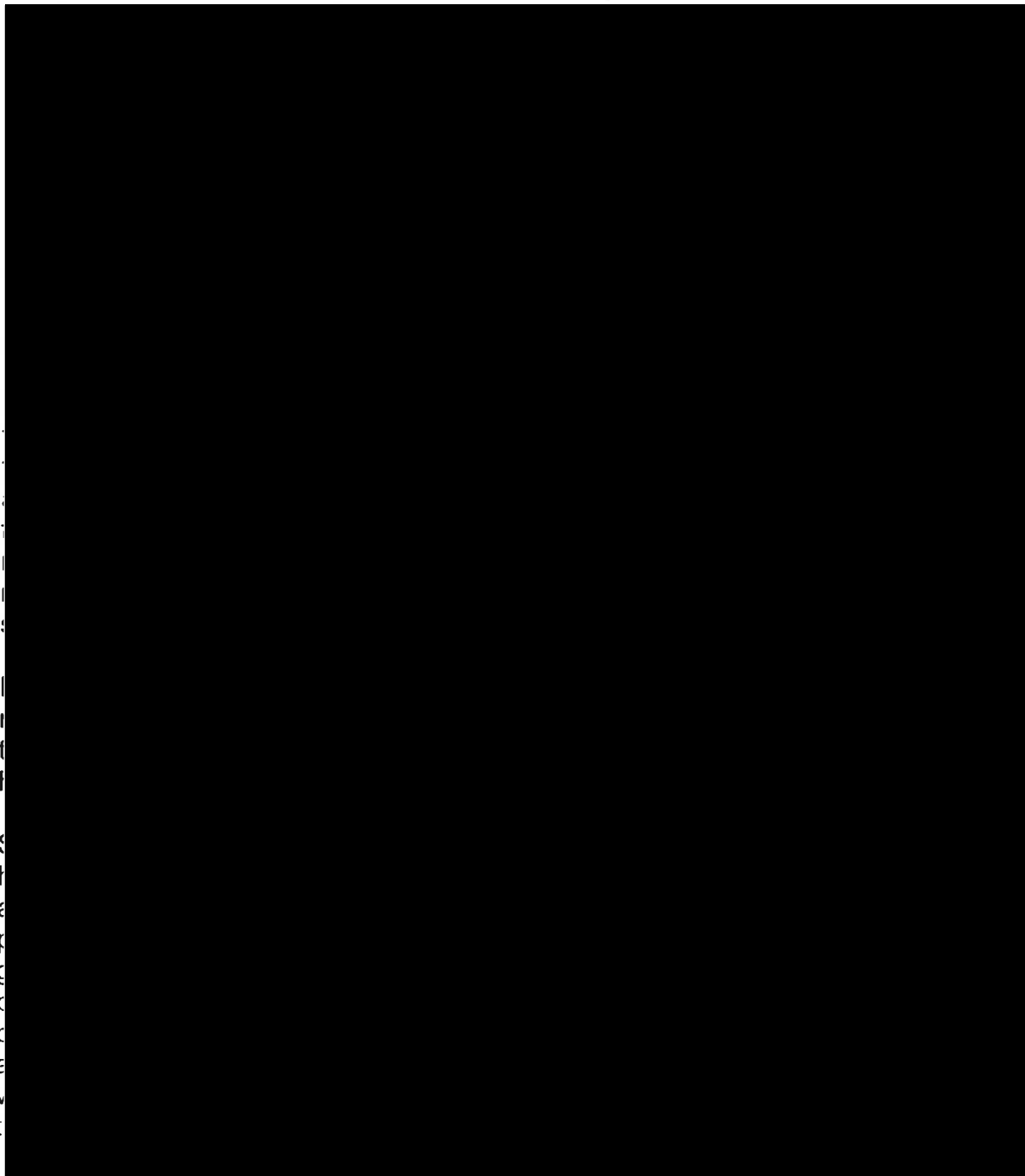
Monday – Thursday 1200-1400 and 1700-2300

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.



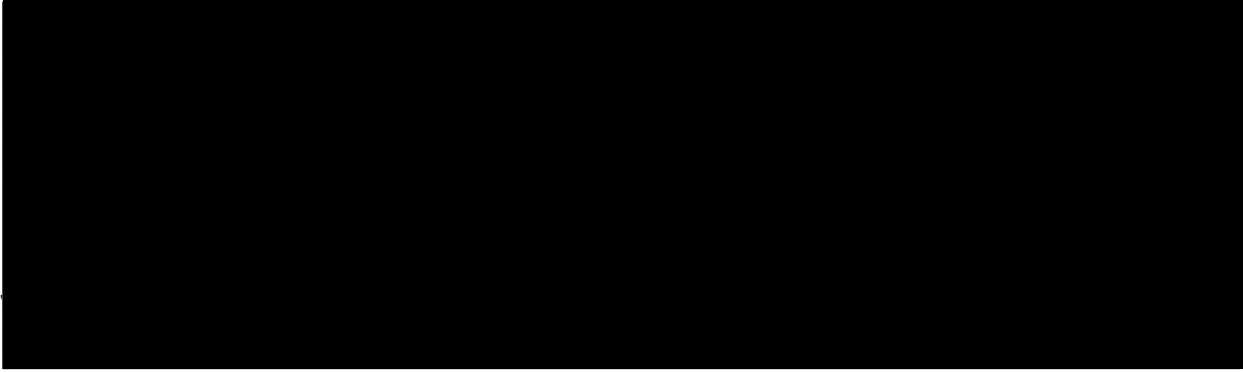


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I request that the Licensing Board considers the aforementioned grounds for review and takes such steps as it considers necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39 of the Act.

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

Contents

Licensing Standards Officers Report - pages 3 & 4

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"/> ▼ ▶
Premises	<input type="text" value="Masons Arms"/> ▼ ▶
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="📅"/> 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="📅"/>
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.

EAST LOTHIAN

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

Licensing (Scotland) Act 2005

Personal Licence Review(s)

Licence Holder	Applicant	Date Received	Comments
4 CHRISTOPHER DARLING	POLICE SCOTLAND	18 April 2018	

Date 21st 2018

Your Ref: EL967

Our Ref: IK/APP/318322



**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 84A
REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES
PERSONAL LICENCE HOLDER: CHRISTOPHER DARLING
8 HIGH STREET,
BELHAVEN,
DUNBAR,
EAST LOTHIAN,
EH42 1NP
LICENCE NO: EL967**

The Chief Constable hereby reports to the Licensing Board in terms of Section 84A of the Licensing (Scotland) Act 2005 that Christopher Darling, has acted in a manner which is inconsistent with the licensing objective(s) articulated at Section 4(1) of Act, namely:

- Preventing Crime and Disorder
- Securing Public Safety
- Protecting and Improving Public Health
- Protecting Children and Young Persons from Harm.

Mr Darling was granted his Personal Licence on 29th May 2013 by the East Lothian Licensing Board. He is currently the Premises Licence Holder and Designated Premises Manager at the Masons Arms, 8 High Street, Belhaven, Dunbar.

The following information is provided for the Board's consideration:-

The Masons Arms 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. Mr Darling has been the licence holder since February 2014.

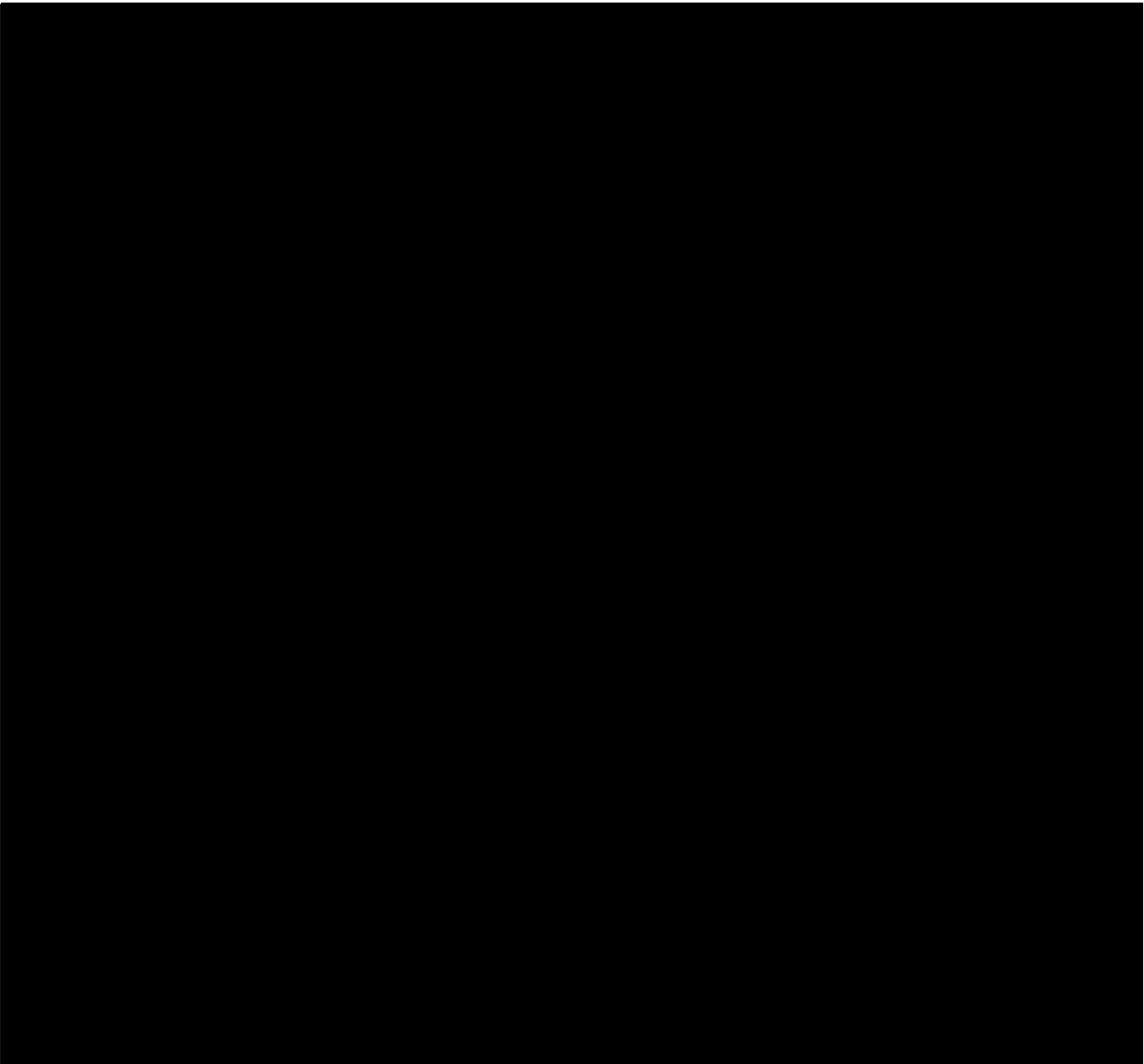
The premises currently benefits from the following licensed hours:

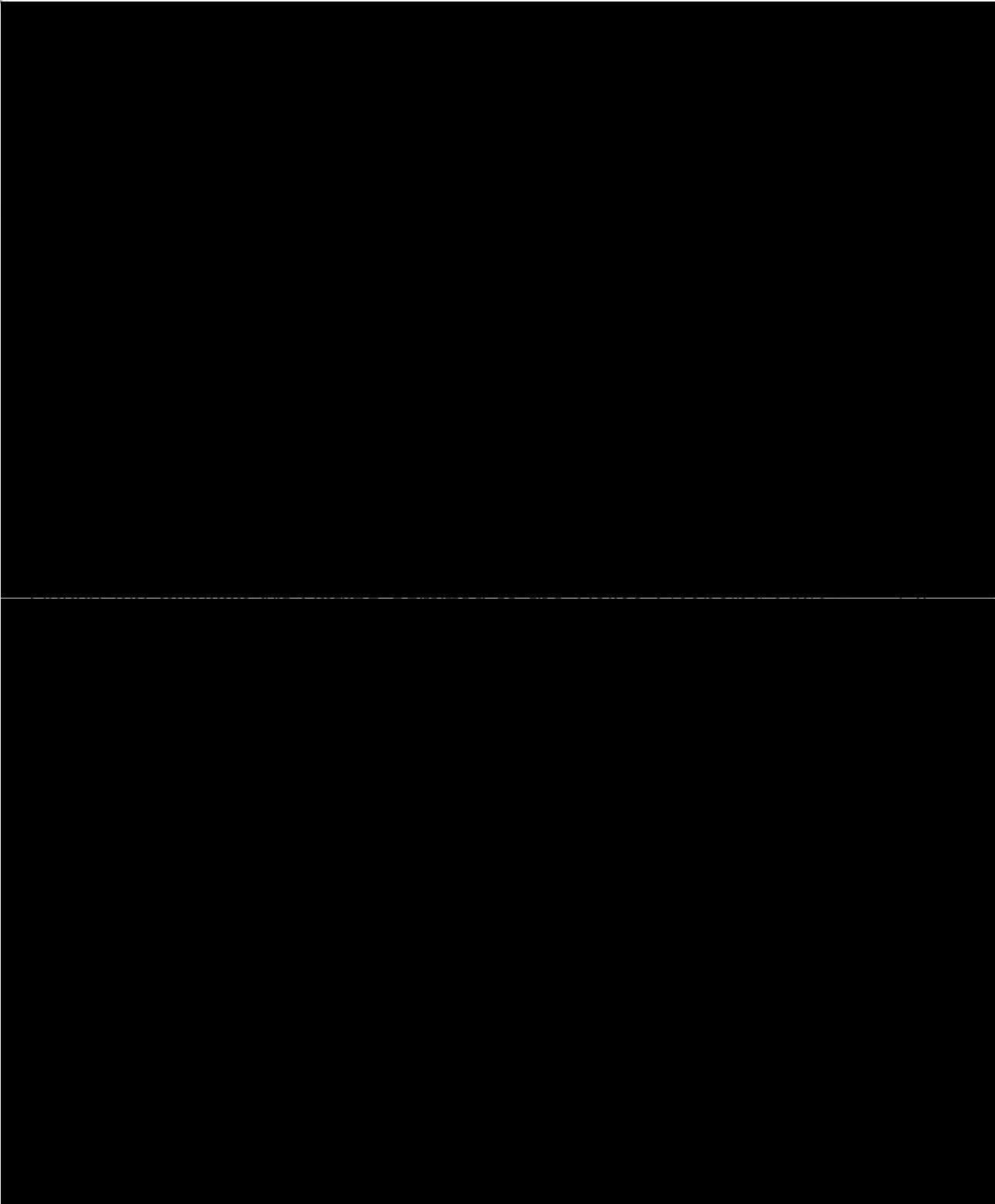
Monday – Thursday 1200-1400 and 1700-2300

Friday – Saturday 1200-0000

Sunday 1230-2300

At 0650 hours on Saturday 31st March 2018, a call was received by Police Scotland from [REDACTED] the [REDACTED] address was given as the Masons Arms, 8 High Street, Belhaven, Dunbar.





The Chief Constables view is that a revocation of Christopher Darling's Personal Licence is appropriate in these circumstances.

Yours faithfully



Iain Livingstone QPM
Deputy Chief Constable Designate

Date: 19/04/2018

For enquiries please contact the Licensing Department on 01620 826147