



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**THURSDAY 25 APRIL 2019
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Goodfellow
Councillor J Henderson
Councillor W Innes

Clerk of the Licensing Board:

Mrs K MacNeill, Service Manager -People and Governance

Attending:

Mr C Grilli, Service Manager – Legal and Procurement
Mr R Fruzynski, Licensing Standards Officer
Ms C Shiel, Licensing Officer
Ms M Winter, Licensing Officer
PC H Bowsher, Police Scotland
Ms E Oldcorn, NHS Lothian

Committee Clerk:

Ms J Totney

Apologies:

Councillor J McMillan

Declarations of Interest:

None

1 MINUTES FOR APPROVAL – 28 MARCH 2019

The minutes of the East Lothian Licensing Board meeting of 22 March 2019 were approved as a true record.

2 PROVISIONAL PREMISES LICENCE APPLICATIONS

a) 3 Ravensheugh Road, Levenhall, Musselburgh

The Clerk advised that the application relates to a village shop on ground floor premises. She added that there are no public objections, no objections from the Licensing Standards Officer (LSO), and that there is a representation from Police Scotland.

Mr A Macdonald, Macdonald Licensing was present to represent the applicant. Mr F Ashiq, applicant, was also present.

Mr Macdonald briefly outlined the application and confirmed that his client accepted the comments from Police Scotland and there would therefore be no deliveries of alcohol made from the premises. He added that he accepted the conditions that had been suggested by the LSO.

There were no questions from Board members.

The LSO supported the application.

PC Bowsher referred to the Police Scotland letter dated 26 March 2019, and was advised by the applicant, in response to her question, that there is CCTV on the premises.

Councillor Innes commended the applicant on his family businesses and the investment made in the shop properties, and supported the application.

Decision

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence.

b) The Tynehouse Bistro/Restaurant, 13 Poldrate, Haddington

The Clerk advised that the application relates to premises operating as a café/bar/restaurant consisting of two public areas and a courtyard. She added that there was one public representation, no public objections, no objections from the LSO or NHS Scotland, and that there was a representation from Police Scotland.

Mr A Macdonald, Macdonald Licensing was present to represent the applicant. Mr M Blackburn, applicant, was also present.

Mr Macdonald referred members to the representation made by his client at an earlier Board meeting in relation to occasional licences for the premises. He explained that the premises had previously been licensed and this application seeks to mirror the previous licence as closely as possible. He advised that the premises are likely to now open on 11 May. He confirmed that the outside drinking area had now been clarified, giving more space between the drinking area and the car parking spaces, and that a revised operating plan had been produced. He accepted the suggestions regarding

access for children and young people and informed the Board that this had now been reflected in the operating plan. He concluded by stating that he was confident that this client would operate in a way that would not cause any disturbance to neighbours.

There were no questions from Board members.

Responding to questions from PC Bowsher who had referred to the Police Scotland letter dated 16 April 2019, Mr Blackburn provided information on the ownership of the outside area, agreed to the recommendations regarding children and young people, and advised the CCTV would be installed as soon as possible.

The LSO referred to his report and advised that he supported the application and welcomed the clarification about the layout plan.

Councillor Goodfellow expressed concern that the premises had previously been the source of complaints about noise. However, he was willing to support the application on the assumption that any noise issues would be dealt with by the LSO and the Council's noise prevention team.

Councillor Innes commented on the importance of food and drink to the economy and tourism of East Lothian. He added that the Board expects licensees to work with their neighbours and that nearby residents should not be adversely affected by the operation of a business. He supported the application.

Decision

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence.

c) Inveresk Bowling and Social Club, Carlyle Place, Musselburgh

The Clerk advised that the application relates to a small members bowling and social club. She informed members that there are no public objections and that there is a representation from Police Scotland.

Ms N Savage was present to represent the club. She explained that the club had recently build new premises and had given up the licence for the previous premises.

PC Bowsher referred to the letter from Police Scotland dated 21 March 2109, and noted that CCTV had been installed on the premises. She sought clarification that the terminal hour for children also included young people. Ms Savage confirmed that the terminal hour did extend to 16 and 17 year olds. PC Bowsher supported the application.

The LSO reported that the club is run very well and supported the application.

Councillor Goodfellow praised the dedication of the volunteers who ran the club, a point that was echoed by Councillor Bruce.

Councillor Innes referred to the benefits of bowling on health, wellbeing and social interaction. He had no hesitation in supporting the application.

Decision

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence.

3 MAJOR VARIATION OF PREMISES LICENCE
Signals Bistro, 12 Quality Street, North Berwick

The Clerk advised that the application seeks to vary on-sales hours from 11am to 9am Monday to Sunday, and from 11pm to midnight on Sundays. She reported that there are no public objections, no objections from the Community Council, and that representations have been received from Police Scotland, the LSO, and NHS Lothian.

Mr A Macdonald, Macdonald Licensing was present to represent the applicant.

Mr S McCashey, applicant, was also present.

Mr Macdonald provided the Board with background information about the application and the premises, stating that this is a hotel with guest bedrooms. In particular, he highlighted that the premises provided a breakfast offering which is popular with non-residents and that his client is therefore seeking to extend his current licensed hours to start at 9am, to cover the breakfast market. He accepted that these hours are outwith Board policy but stated that alcohol is already being served at those hours to hotel residents. He advised that non-residents therefore often seek to purchase alcohol during these hours and that it can be difficult for staff who have to explain the differentiation. He indicated that the increased hours would be welcomed by shift workers; disputed the comments in the letter from Police Scotland that granting these extended hours would set a precedent; stated that there is no reason to think that the licensing objectives would be compromised or that there would be a health issue; and drew a parallel with a number of private clubs in East Lothian that had already been granted early licensing hours.

Councillor Bruce understood the rationale for the application but stated that there is provision in legislation to treat hotel residents differently.

Mr McCashey advised that there is a demand for the extended hours being sought, there are not many facilities for breakfast in North Berwick, and that it can cause difficulties when hotel residents invite guests to breakfast. He confirmed to Councillor Goodfellow that residents cannot consume alcohol with breakfast in the outside area of the premises.

PC Bowsher referred to the letter from Police Scotland dated 26 March 2019 and stated that Police Scotland do object to the earlier hours which are outwith Board policy. Although she had no concerns about the way that the premises are run, she felt that if the extended hours are granted it would set a precedent for other establishments in North Berwick. She added that Police Scotland did not support people drinking at 9am.

The LSO advised that he had nothing to add to his report dated 4 April 2019.

Ms Oldcorn, NHS Lothian, stated that her views are similar to those from Police Scotland. In particular, she objected to licensing hours starting at 9am. She reminded Board members that this is outwith the Board policy and that public health is not being protected by promoting alcohol as a breakfast beverage. In response to a question from Councillor Goodfellow, she advised that where early licensing hours had been granted in Edinburgh, it had set a precedent and that such applications were now flooding in.

Councillor Henderson took on board the comments from Police Scotland and NHS Lothian. Although she had some sympathy about differentiating between residents and non-residents, she advised that she would be uncomfortable allowing the licensing hours to start at 9am, for all the reasons already given. She added that there was not

a sufficient or strong enough argument to go against Board policy, Scottish Government guidance, and the advice of Police Scotland and NHS Lothian.

Councillor Innes was not convinced by the arguments presented and preferred to support the Board's policy. He did not support the application.

Councillor Bruce echoed the comments made by Councillor Innes.

Councillor Goodfellow commented on the changing nature of holiday accommodation over recent years. However, he was persuaded by the Board's policy and it was his view that the Board need to stick to their policy. He did not support the application.

Councillor Dugdale agreed with the representations from Police Scotland and NHS Lothian and did not support the application.

Mr Macdonald requested a statement of reasons for refusal to grant the application. The Clerk undertook to provide this.

Decision

East Lothian Licensing Board unanimously agreed to stay within Board policy and to refuse the extension of licensed hours from 9am to 11am Monday to Sunday.

In line with Board policy, the Board unanimously agreed to grant the change in hours from 11pm to 12 midnight on Sundays.

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board

DRAFT