



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**THURSDAY 23 AUGUST 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:

Mr R Fruzynski, Licensing Standards Officer
Ms M Winter, Licensing Officer
Ms C Shiel, Licensing Officer
Insp A Harborow, Police Scotland
PC H Bowsher, Police Scotland

Committee Clerk:

Mrs F Stewart, Committees Officer

Apologies:

Councillor C McGinn

Declarations of Interest:

None

1 MINUTES FOR APPROVAL – 28 JUNE 2018

The Clerk advised an amendment to Item 4 (paragraph 6), replacing CREST data with CRESH data. Otherwise, the minutes of the East Lothian Licensing Board meeting of 28 June 2018 were approved as a true record.

2 PROVISIONAL PREMISES LICENCE
The Bothy, 4 South Crescent, East Saltoun

The Clerk advised that the Bothy village shop/café was requesting a licence for on sales 11am to 9pm and off sales from 10am to 9pm. The applicant also wished to offer outdoor drinking facilities during core licensed hours.

There was no-one present to represent the applicant.

The Clerk stated that no objections had been received to the grant of this licence. However, Police Scotland had requested that the use of the outdoor drinking area ceased at 8pm due to the close proximity of residential properties.

Decision

East Lothian Licensing Board unanimously agreed to grant the provisional premises licence subject to the following condition:

- i. The outdoor area will not be used after 8pm

3 MAJOR VARIATION
3a Glenkinchie Distillery Visitor Centre, Glenkinchie, Pencaitland

David Hossack, Manager and Mary Colgan, Brand Manager, were present to represent the applicant.

The Clerk advised that the application seeks to change the capacity from 140 to 230, representing an increase of 50 in the Visitor Centre and an addition of 25 in the warehouse area.

Mr Hossack, Manager, stated that the Distillery was a major tourist attraction in the area, reflecting the success of whisky tourism throughout Scotland. The additional capacity was being requested to meet the increasing demand for tours of the Distillery.

In response to a question from Councillor Henderson, Mr Hossack replied that the Visitor Centre was principally used as a visitor attraction, rather than for special events.

Decision

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

3b Macmerry Bowling Club, West Bank Road, Macmerry

Mr David Dickson, Premises Manager, was present to represent the applicant.

The Clerk advised that the applicant was seeking to vary the Bowling Club premises licence to open status and to amend the seasonal period of operation (April to October) to open all year. The Club was also seeking to increase the terminal hour from 12 midnight on Fridays and Saturday to 1am. The Clerk advised that one public objection had been received to this application.

Mr Dickson stated that the reason for the changes requested was to encourage as many people as possible to visit the bowling club and to increase the membership of the club, which had been in decline. Addressing the public objection, Mr Dickson advised Members of the measures in place to mitigate against noise.

Councillor Goodfellow enquired why the Club wanted to increase the terminal hour and Mr Dickson replied that Club members had requested the change. He advised that most functions finished earlier than 1am but an increase in revenue at the bar would contribute to the upkeep of the Club. Councillor Goodfellow asked if the Club had proposed to monitor the behaviour of patrons leaving the Club should the later terminal hour be granted and Mr Dickson replied that patrons would not be allowed to stand outside after 10pm, a Club official would be in attendance at the front door and patrons would be asked to consider the neighbours on departure. This policy had so far proved to be successful.

The Chair asked when children and young people would have access to the Club and Mr Dickson replied that children were at school during weekday practise sessions. At weekends, young people were not allowed on the premises without supervision. All signage and legal aspects were observed.

Councillor Henderson enquired if the Club would host 18th and 21st birthday celebrations and Mr Dickson replied that the Club did not take bookings for 18th and 21st birthday parties, only for funeral teas.

Police Scotland had no objection to the grant of the licence.

Decision

East Lothian Licensing Board unanimously agreed to grant the major variation to the premises licence subject to the following condition:

- i. The Club must not host 18th or 21st birthday parties

3c North Berwick Rugby Club, Recreation Park, Dunbar Road, North Berwick

There was no-one present to represent the applicant.

The Clerk advised that the applicant was seeking to change status to an open premises licence. The application also sought an extension to the decking/patio outside drinking area and a new door on the south side of the pavilion. The variation also included a marquee to be erected on approximately three occasions per year.

Inspector Harborow referred to the Police Scotland letter dated 27 June 2018 which requested the Board to consider three conditions if the application was granted; CCTV to be installed and maintained covering inside and outside the premises, the outside licensed area not be used after 22.00 hours and for plastic glasses to be used within the marquee. PC Bowsher advised that the applicant was happy to comply with these conditions.

The Licensing Standards Officer was disappointed that no-one from the Club had attended today's meeting. He stated that significant changes were in progress at this Club; it was no longer only a rugby club, as it was being used by other sports clubs and had become a community hub. The Licensing Standards Officer was not aware of any complaints and had no concerns regarding noise. He was therefore supportive of the application and supported the conditions requested by Police Scotland.

Ward Members, Councillor Henderson and Councillor Goodfellow, had no objection to the grant of this licence but suggested that a condition could be applied in respect of certain special events.

The Licensing Standards Officer highlighted that CCTV equipment needed to be of an acceptable quality.

Decision

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

- i. CCTV systems, approved in advance by the Licensing Standards Officer and Police Scotland, to be installed covering inside and outside the premises within 3 months of the date of today's meeting, 23 August 2018, and maintained going forward;
- ii. The outside licensed area, including the marquee, not be used after 22.00 hours;
- iii. Plastic glasses to be used within the marquee;
- iv. No music or entertainment in the outside area; and
- v. Police Scotland and the Licensing Standards Officer to be given a minimum of 14 days' notice of 18th and 21st birthday parties

4 OCCASIONAL LICENCE APPLICATIONS

4a Occ311/18 – Broxmouth Park, Dunbar

4b Occ404/18 – Broxmouth Park, Dunbar

4c Occ405/18 – Broxmouth Park, Dunbar

4d Occ406/18 – Broxmouth Park, Dunbar

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

The Clerk advised that no objections to the four applications had been received from members of the public or the Licensing Standards Officer.

Mr Williams updated the Committee on progress with the applications since his appearance at the Board meeting on 26 April 2018. He advised that an out of date brochure had been forwarded to the Planning Officer in his submission for the required planning consent. This brochure showed a room in the mansion house available for wedding receptions and this information conflicted with information submitted with an earlier application. Mr Williams stated that a new brochure was prepared which did not include a room for wedding receptions within the mansion house. A copy of this brochure was forwarded to the Planning Officer on 13 June 2018. Subsequently, the Planning Statement was amended and resubmitted on 6 July 2018. Mr Williams advised that the Planning Officer now had all the information she required and she anticipated that she would be in a position to issue her report within one month.

Mr Williams confirmed to Members that two wedding ceremonies (and not receptions) had taken place in the mansion house during the summer as the weather conditions had not been suitable for the marquee.

The Clerk confirmed to Members that the licence applications were solely for the marquee.

The Police Inspector recommended that the premises had an established premise licence rather than repeated occasional licences.

Decision

East Lothian Licensing Board unanimously agreed to grant the four occasional licences.

**5 GRANT OF PERSONAL LICENCE
Mr I Ross**

This application was withdrawn.

**6 PERSONAL LICENCE – NOTICE OF CONVICTION
Mr J Scott**

The applicant was not present.

Decision

East Lothian Licensing Board agreed to continue this application to the meeting of the Board in September.

7 CHIEF CONSTABLE'S REPORT TO THE EAST LOTHIAN LICENSING BOARD, 1 APRIL 2017 – 31 MARCH 2018

Inspector Harborw, Police Scotland, presented the report, stating that it had been a very positive year in respect of licensing issues in East Lothian. From his report, he highlighted that there had been a marked increase in call volume to the Police but stated that there was evidence this increase was due to a marked increase in theft from off-licences. Removing those statistics, there was a significant reduction in calls from licensed premises. He also stated that having two dedicated Police Licensing Officers had made a very positive difference. Inspector Harborow added that there had been numerous examples of good practise and highlighted the success of the Best Bar None and Pub Watch initiatives. He also advised that 67 premises had been visited for test purchasing of alcohol (to those under age) and, of those, there had been only 4 fails.

Inspector Harborow thanked PC Bowsher for her positive relationship with the Council's Licensing Team and thanked the Board for their support.

In response to questions from Members, PC Bowsher explained the distinction between children and young people in terms of the Licensing (Scotland) Act 2005 and explained how repeat offences were recorded. She also advised that there had been no common link between the four test purchase failures.

Councillor Henderson enquired if the Board could support the Police in any way in respect of the increase in thefts from off-licence premises and Inspector Harborow made a number of recommendations to the Board.

The Chair thanked Inspector Harborow for his report, stating that it was a testament to all the hard work done and demonstrated what can be achieved by working together.

Decision

East Lothian Licensing Board agreed to note the report.

**8 DEPARTMENT OF DIGITAL, CULTURE, MEDIA & SPORT (DCMS):
CONSULTATION ON SOCIETY LOTTERY REFORM**

The Clerk stated that, since the introduction of the Gambling Act 2005, there had been significant changes in the lottery sector. She advised that there were two types of

lottery; larger lotteries like the National Lottery and smaller society lotteries, both established to raise funds for good causes across the UK. The larger lotteries were registered and monitored by the Gambling Commission and the smaller lotteries were registered with Local Authorities.

The Clerk stated that the Consultation document was recommending that Local Authorities raised the limit for annual sales and individual draw sales. The questions in the paper asked if the sales thresholds for small society lotteries (£20,000 for an individual draw, and a £250,000 annual sales limit) should be raised, requesting a yes or no response. If the response was yes, a further question asked for an indication of an appropriate level for the individual per draw sales limit and for an annual sales limit.

Councillor McMillan had concerns about the potential impact on families of increased limits, particularly where players gambled unwisely to an excessive degree. He suggested that a briefing for Members on gambling issues in general would be helpful.

The Clerk agreed to arrange such a briefing for Board Members.

ANY OTHER BUSINESS

Inspector Harborow raised a concern on personal licences, stating that an application for a personal licence to work in East Lothian does not at present need to come before the Board. He stated that there was a general acceptance that applicants should apply to the Board of the local authority where they choose to work and asked if this view could be shared with the appropriate Officers at the Scottish Government. At present applicants for a licence in East Lothian can be refused a licence, apply to another local authority, and be granted a licence which allows them to work in East Lothian. He recommended that the law in this regard should be changed.

The Clerk understood that the theory behind the present policy was that it allowed workers to move from area to area.

Inspector Harborow pointed out that legislation required taxi drivers to apply to the local authority in the area in which they intended to work. PC Bowsler added that, if an applicant is refused a licence in one local authority, there should be a statutory time period before they are permitted to apply to another local authority.

Members were supportive of the Police recommendations.

The Clerk agreed to communicate Inspector Harborow's views to the Licensing Sub-Group of the Law Society and the SOLAR Licensing Group.

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board