



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**THURSDAY 27 SEPTEMBER 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

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

Clerk of the Licensing Board:

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

Attending:

Mr C Grilli, Service Manager, Legal and Procurement Services
Mr R Fruzynski, Licensing Standards Officer
Ms C Sheil, Licensing Officer
Ms M Winter, Licensing Officer
Insp A Harborow, Police Scotland
PC Heather Bowsher, Police Scotland
Mr G Hood, Convenor of East Lothian Licensing Forum

Committee Clerk:

Ms J Totney, Team Manager – Democratic and Licensing

Apologies:

Councillor C McGinn
Councillor J McMillan

Declarations of Interest:

None

1 MINUTES FOR APPROVAL – 23 August 2018

The minutes of the East Lothian Licensing Board meeting of 23 August were approved as a true record, subject to a typographical correction.

2. MAJOR VARIATION OF PREMISES LICENCE
Golf Inn and Restaurant (to be known as the Bonnie Badger), Main Street, Gullane

The Clerk advised that the application seeks to vary the premises name; add off-sales 10am – 10pm; amend seasonal variations; add conference facilities, theatre, films indoor/outdoor sports, private and fine dining experiences, tastings, educational tours and learning experiences, promotional and media activities, television and filming, corporate events, private hire, community events, charity events and auctions; change the terms for children and young people; and replace the capacity breakdown with a capacity figure. There were no public objections to the application.

Ms C Louden, TLT Solicitors, was present to represent the applicant. Mr R Kitchin and Mrs M Kitchin, the applicant's father and wife, were present.

Ms Louden provided an overview of the variations that are being sought and answered questions from Board members relating to off-sales hours, outdoor sports, the outdoor drinking area, standing up drinking, and the definitions of children and young people.

The Licensing Standards Officer (LSO) commented that the premises have been very well run over the years. He was pleased to see the premises re-opening and supported the application.

Insp Harborow referred to the letter from Police Scotland dated 8 August 2018 and advised that he had nothing further to add.

Councillor Henderson, Ward member, welcomed the development of the premises and fully supported the application. Her comments were echoed by fellow Ward member, Councillor Goodfellow. All Board members individually indicated their support for the application.

Decision

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

3 PERSONAL LICENCE – NOTIFICATION OF CONVICTION
Mr J Scott

The Clerk reminded Board members that this item had been continued from the previous meeting to enable Mr Scott to attend. She advised that Mr Scott had self-notified the Board about a drink driving conviction, and that in such circumstances, the law requires the licence holder to appear before the Board.

Mr Scott was present at the meeting. He provided brief information relating to the offence, along with details of personal health issues he was experiencing at the time. He explained that he had now taken employment away from the career he had built for himself.

Insp Harborow referred to the Police Scotland letters dated 12 July 2018 and confirmed the existence and disposal of the offences as listed. He had nothing further to add.

The Board adjourned in private to debate the matter. On reconvening, the Convener acknowledged that Mr Scott had taken the matter very seriously and had notified the Board about his conviction. She stressed the serious nature of the offences but advised that the Board would not be taking any further action.

Decision

East Lothian Licensing Board unanimously agreed to take no further action against Mr Scott.

4. PERSONAL LICENCE REVIEW Zohaib Z Malik

The Clerk advised that the licence is being reviewed by the Board at the request of Police Scotland.

Mr Malik was present and was accompanied by his wife. He confirmed that he had seen the letter from Police Scotland that had been issued to Board members. Mr Malik confirmed to the Clerk that he was happy to proceed with the review in the absence of his professional adviser.

Insp Harborow summarised the letter from Police Scotland, highlighting that Mr Malik's behaviours were inconsistent with the licensing objectives. He stated that Mr Malik has a personal licence from Edinburgh City Council; that his case is pending at court; and that Police Scotland recommend revocation of the personal licence.

The LSO had no comments to make.

Mr Malik explained that the incidents were due to mental health issues he had at the time, and stated that his behaviours had been out of character. He provided information about the treatment he has been receiving for his illness and acknowledged that Police Scotland had concerns.

The Convener thanked Mr Malik for his explanation.

Mrs Malik added that the shop owner and staff involved in the incidents had commented that Mr Malik's behaviour was out of character.

The Board adjourned in private to debate the matter.

Sederunt: *Inspector Harborow left the meeting. Mr J Sherval (MELDAP), Mr D Dickson (ELLF) and Ms E Oldcorn (NHS) joined the meeting.*

On reconvening, the Convener advised that there had been a long and detailed discussion and that the Board had enormous sympathy for Mr Malik. However, the Board had a responsibility to uphold the licensing objectives. Board members had therefore unanimously agreed that it required to revoke Mr Malik's personal licence. She explained the implications in relation to continuing to sell alcohol and urged Mr Malik to speak to the LSO for further guidance and support.

Mrs Malik stated that this was not the outcome they had hoped for and that she felt that her husband had been discriminated against for having a mental health illness.

Decision

East Lothian Licensing Board unanimously agreed to revoke the personal licence.

5. STATEMENT OF LICENSING POLICY

The Clerk presented a report to determine the Statement of Policy for East Lothian Licensing Board from November 2018 to November 2023. She explained the statutory requirement to produce this policy and outlined the consultations that had taken place. She highlighted the fact that the Board is required to form an evidence-based view on overprovision and summarised the key changes to the new policy.

In response to the Clerk, members agreed that it be delegated to the Clerk to make any final formatting and proof reading changes that are required to the policy.

The Clerk extended her personal thanks to the LSO and to Ms M Winter, Licensing Officer, for their work in preparing the draft policy document.

The Convener echoed her thanks and commented positively that a supplementary application form will be introduced with the new policy.

The LSO suggested that when the Statement of Licensing Policy is next reviewed, consideration should be given to creating an alcohol profile for East Lothian.

Decision

East Lothian Licensing Board unanimously agreed to:

- i. adopt the Statement of Licensing Policy for the period November 2018 – November 2023.
- ii. delegate to the Clerk to make any final formatting, proof reading, and non-material changes that are required to the policy.

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board