



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**THURSDAY 25 OCTOBER 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

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

Depute Clerk of the Licensing Board:

Mr C Grilli, Service Manager – Legal and Procurement

Present:

Ms M Winter, Licensing Officer
Ms C Shiel, Licensing Officer
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager, Democratic and Licensing

Apologies:

Councillor L Bruce
Councillor C McGinn

Declarations of Interest:

See item 4b.

1 MINUTES FOR APPROVAL

**East Lothian Licensing Board, 27 September 2018
East Lothian Licensing Board and East Lothian Licensing Forum, joint
meeting, 27 September 2018**

Subject to amending a typographical error in the joint meeting minutes, both sets of minutes were approved as a true record.

2 STATEMENT ON OCCASIONAL EXTENDED HOURS OVER THE FESTIVE PERIOD

The Convener stated that, in terms of 67 of the Licensing (Scotland) Act 2005, the Board has determined that it is appropriate to grant a general extension of licensed hours for the festive period. This extension will apply on Christmas Eve – Monday 24 December 2018, Christmas Day – Tuesday 25 December 2018, Boxing Day – Wednesday 26 December 2018, Hogmanay - Monday 31 December 2018; and New Year's Day – Tuesday 1 January 2019 and will allow an extension of the terminal hour for the sale of alcohol during that period until 2 am. This extension will only apply to on-sales and not to off-sales of alcohol. There will be no general extensions outwith these days although any applications for extended hours out with the general extension will be considered on a case-by-case basis. It should be noted that such applications will require to be submitted no later than 1 December 2018. There is no need for licensees to apply for the general extension to 2 am. On-sales premises can utilise these hours to the extent they consider appropriate.

3 PROVISIONAL PREMISES LICENCE

The Works, Implement Road, West Barns

Niall Hassard, TLT Scotland, was present to represent the applicant. Peter Stuart, Cider Maker, Thistly Cross, was also present.

PC Bowsher referred to the letter dated 6 October 2018 from Police Scotland and advised that she supported the application.

Mr Hassard tabled visual images of the proposed premises, explaining that the premises are seeking a provisional license as a warehouse, storage and distribution centre for alcohol. His client is also seeking to be able to retail their products without relying on licensed third party providers. He provided background information on the success and growth of the business and advised that the business aspires to develop further in the future.

In response to a question from Councillor Henderson, Mr Hassard explained the layout of the two-storey building. Councillor Henderson wished the company continued success.

Decision

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

4 PREMISES LICENCE – MAJOR VARIATION

4a Caprice Restaurant, 198 High Street, Musselburgh

Mr A Macdonald, Macdonald Licensing, was present to represent the applicant. Mr A Alongi, business owner, was also in attendance.

PC Bowsher referred to the letter dated 17 September 2018 from Police Scotland and drew members' attention to the section regarding deliveries of alcohol. She advised that she supported the application.

The application seeks to commence Sunday hours at 12 noon; increase hours to 1am on Thursdays, Fridays and Saturdays; increase hours to midnight on Sundays; to add off-sales from 12 noon to 10pm every day; to provide for listed activities to take place during special or general extensions; and to amend the rules on children and young persons so that young persons do not require to be accompanied by an adult. Young persons will be entitled to remain on the premises until midnight and children until 121 pm. Children and young persons may remain on the premises to the end of a private pre-booked function.

Mr Macdonald provided background information about the family business; reported that the current generation of the family wished to update and expand the business; explained that the off-sales of alcohol will be ancillary to take-away food orders; and fully accepted the requirements in relation to the home-delivery of alcohol. He remarked that he had been surprised to learn of an objection to the application and that his client would happily communicate with neighbours to address any concerns.

In response to questions from the Convener and Councillor McMillan, Mr Macdonald stated that many 16 and 17 year olds wish to go to the restaurant for a pizza without their parents. He further advised that only trained staff members would be used for alcohol deliveries; there would be no third party delivery drivers involved. Answering a question from Councillor Goodfellow, Mr Macdonald advised that his client would be agreeable to a condition that there is no off-sales or deliveries of alcohol unless it is with a take-away meal. He clarified to the Convener that music would only be of a background nature and that there are to be no physical changes to the premises.

The Board adjourned in private to debate the matter.

Decision

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

- i. Any type of alcohol delivery should produce a 'policy' on preventing children and young persons accessing the alcohol. This should include the staff training that will be provided, and how deliveries are recorded. Police and LSO will have access to delivery records. (ref. Section 119 L(S)A 2005)
- ii. Home delivery services provided that the order is ancillary to a meal and, any alcohol purchased with the order, is proportionate. The licensee will be expected to be responsible for deciding what is proportionate in relation to individual orders placed bearing in mind the licensing objectives.
- iii. When making a delivery that includes alcohol, certain checks must be carried out such as Challenge 25 and checking that the customer is 18 years or over. No orders that include alcohol are to be left in nominated safe places. Staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises. Licensees who use couriers to make their deliveries should ensure that they comply with the checks and standards required by the Licensing Board.
- iv. A meal is considered to be a substantial food offering. Snacks, sandwiches and crisps are not considered to constitute a substantial meal.

4b Day Today (Prestonpans Village Shop), 32 Redburn Road, Prestonpans

The applicant's son, Mr F Ashiq, was present to represent the applicant, Mr Mohammad Ashiq.

Councillor Goodfellow declared an interest as he knows Mr F Ashiq. After adjourning in private, Councillor Dugdale declared an interest when the Board reconvened as she also knows Mr F Ashiq.

The Depute Clerk advised that the Board was now inquorate and the business would be carried forward to the next meeting. Councillor McMillan stated that he did not feel conflicted as he did not know the applicant sufficiently well.

The Depute Clerk suggested that Mr Mohammad Ashiq or a licensing professional attend the next Board meeting to represent this application.

Decision

The Depute Clerk declared the meeting inquorate for this item and East Lothian Licensing Board unanimously agreed to carry forward the application to the November Board meeting.

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board