



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**THURSDAY 22 NOVEMBER 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 G Herkes, Licensing Officer
Insp A Harborow, Police Scotland
PC H Bowsher, Police Scotland
Ms E Oldcorn, NHS

Committee Clerk:

Ms F Stewart

Apologies:

None

Declarations of Interest:

Councillor Dugdale, Item 2 (i), due to the applicant being known to her.
Councillor Goodfellow, Item 2 (i), due to the applicant being known to him.

1 MINUTES FOR APPROVAL – 25 OCTOBER 2018

The minutes of the East Lothian Licensing Board meeting of 25 October 2018 were approved as a true record.

Sederunt: Having declared an interest in this item, Councillors Dugdale and Goodfellow left the meeting.

Councillor Bruce assumed the Chair for this item.

2 MAJOR VARIATION OF PREMISE LICENCE

2 (i) Day Today (Prestonpans Village Shop), 32 Redburn Road, Prestonpans

The applicant Mr Mohammed Ashiq was present and was represented by Mr Macdonald of Macdonald Licensing.

The Clerk stated that this application had been continued from the last Board meeting and advised that there had been no objections to this application.

The applicant was seeking to increase the alcohol display area and move the licensed display area from the front of the shop premises to the back.

Mr Macdonald, agent for the applicant, stated that his client was a successful businessman. Mr Ashiq had refurbished his premises, increasing the overall retail space and had reviewed his marketing strategy, based on demand. He also considered that the alcohol display was more secure at the back of the shop and less likely to be affected by theft.

In response to questions from Members, the applicant advised that counter staff could view CCTV footage of the alcohol display area and confirmed that his business did not deliver alcohol.

The Licensing Standards Officer stated that he had received no complaints relating to this business. He visited the store on a regular basis and had been impressed by the store layout and the CCTV system in place.

Decision

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

- i. CCTV cameras to be installed to the satisfaction of Police and to cover the entire alcohol display area; and
- ii. That the CCTV installed is to be maintained in working order.

Sederunt: Councillors Dugdale and Goodfellow returned to the meeting and Councillor Dugdale resumed as Chair.

2 (ii) Kilspindie Golf Club, Kirk Road, Aberlady

Keith Martin, Applicant, and Paul Kinnoch (Catering Franchise) attended the meeting.

The application was seeking a change of status from a Club to an Open Licence, and to vary the on sales hours, Sunday and Thursday 11pm to midnight, and Friday and Saturday 12 midnight to 1am. No objections had been received.

The Applicant stated that Kilspindie Golf Club was currently a members club which attracted 8000 visitors per year. The application had been submitted to offer a greater degree of flexibility to the Club.

Mr Martin stated that the variation to the licence would allow members to bring along family and guests to special events. Presently, an occasional licence was needed if a member wished to bring more than six people to the Club. He also advised that there was currently a CCTV system installed on the premises but there were plans to upgrade this system.

The Licensing Standards Officer stated that Kilspindie was a well-run golf club that regularly sought advice from the Licensing team.

Decision

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

- i. CCTV to be installed to the satisfaction of the Police and to be maintained in working order; and
- ii. Police and LSO to be informed with 14 days' notice of any 18th or 21st birthday parties.

2(iii) North Berwick Masonic Social Club

Craig Douglas, Treasurer and Premises Manager, and John Starr, Secretary, were present.

The application was seeking to change status from a Club to an Open Licence. The application also sought to vary the core hours to 7pm to midnight, Monday, Wednesday and Thursday and 12 noon to midnight on Saturdays.

The Clerk advised that 5 public objections had been received to this application. Representations had also been received from the Police, the Licensing Standards Officer and the NHS.

Mr Starr stated that two masonic lodges meet in the club, one in the summer months and one in the winter months. North Berwick Movies also used the premises once a month on Saturdays. Mr Starr had plans to improve the Club, for example, organising tea dances in the afternoons and catering for christening parties. He did not intend the Club to be operated as a pub. Currently, the Club had to apply for occasional licences for any special events.

Mr Douglas and Mr Starr responded to questions from Members, advising the format of current meetings and outlining future plans.

Members consulted the Police, the Licensing Standards Officer and the NHS representative.

Councillor Goodfellow pointed out that the applicants had referred to all day and afternoon openings in their future plans but had only applied for a licence for Saturday afternoons. Other Members were similarly concerned that the application did not reflect the aspirations of the Club.

The Chair invited the objectors to the application who were in attendance to present their views to the Board. Four members of the public accepted this invitation and highlighted their concerns.

Councillor McMillan suggested that the applicants would benefit from having more time to produce a more detailed business plan. He also found it difficult to support licensing hours outside of Board policy.

Councillor Henderson was supportive of the Club's plan to diversify, but was concerned that they were not ready to move forward at the moment.

The Chair was not convinced that the application met the Board's objectives at this point.

Decision

East Lothian Licensing Board unanimously agreed to refuse the application.

3 PROVISIONAL PREMISES LICENCE

3(i) Best One, 121 High Street, Musselburgh

The applicant, Mr Nadeem, was present.

The application sought a Provisional Premises Licence for off-sales of alcohol and to allow background recorded music.

The Clerk stated that no objections had been received to this application and advised that a representation had been received from the Police.

The Licensing Standards Officer advised there had been an unfortunate set of circumstances which had resulted in a failure to transfer this licence. There were no concerns relating to the premises.

The applicant confirmed to Members that there were CCTV cameras on the premises and that there would be no deliveries of alcohol.

Decision

East Lothian Licensing Board agreed unanimously to grant the Provisional Premise Licence subject to the following conditions:

- i. CCTV to be installed to the satisfaction of the Police and to cover the entire alcohol display area; and
- ii. That the CCTV installed is to be maintained in working order.

4 EXTENDED HOURS APPLICATION

4a New Pheasant, 73 Market Street, Haddington

The applicant, Michael Peters was present.

The Clerk advised that the applicant was seeking an extension of hours to 2am over the festive period, 14 December 2018 to 3 January 2019. Police Scotland had submitted an objection to this application on the grounds that the hours sought were outwith policy. The Clerk advised that Licensing Policy permitted the Board to grant an extension of hours for special events of local or national significance. Each application was assessed on its own merits, but the Licensing Board required good reasons to grant an extension and the applicant needed to state clearly the nature of the event taking place.

The applicant advised that he was now restricting his application to 2am on 15 December and to 1.45am on 21, 22, 28 and 29 December. The applicant stated that he had applied for and been granted extended hours over the festive period for the past 7 years with no complaints. The application for 15 December was to accommodate a darts competition. He also explained that the extension applied for 21, 22, 28 and 29 December was not to allow extra drinking time, but to allow patrons time to drink up and dispense in an orderly fashion.

On learning that no alcohol would be sold after 1am, the Police Representative withdrew his objection to the application. The Licensing Standards Officer was also content with the applicant's proposals.

Decision

East Lothian Licensing Board agreed unanimously to grant the extended hours as amended by the applicant on condition that no alcohol was served after 1am.

5 PERSONAL LICENCE (CONTINUATION)

5a Mei Mei Ni

The applicant, Ms Mei Mei Ni, was present.

The Clerk advised that this application had been continued for 6 months due to a pending prosecution. The Board had hoped that this matter would be concluded before the application was due to be considered again.

The Police Inspector advised that the situation had not changed and the case was still pending. No date had yet been confirmed for the court case.

The Clerk stated that the Board had decided that it would not proceed to determine this application until the outcome of the court proceedings was known.

Decision

East Lothian Licensing Board unanimously agreed to continue the application for 6 months or to a hearing as soon as possible after the court case is concluded.

6 REVIEW HEARING FOR BREACH OF LICENCE CONDITIONS – UNPAID ANNUAL FEES

6a Giancarlo's, 119 High Street, Tranent

The Licence holder, Mr Giancarlo, was present.

The Clerk advised that the annual fee for these premises had been received on 15 November 2018. A letter informing the licence holder of the annual fee due had been issued on 6 August 2018 and reminders sent on 29 September and 9 October. On receiving no response, the Licensing Standards Officer had emailed the licence holder on 23 October requesting him to contact the Licensing Team and on 25 October the Board requested a review hearing.

The Licence holder apologised to the Board for the late payment of fee citing a family bereavement for the oversight. He had since set up a Direct Debit for future payments of fees.

Decision

East Lothian Licensing Board decided to take no further action.

6b Golden Chopsticks, 102 New Street, Musselburgh

The licence holder was not present.

The Clerk advised that the licence holder had paid the annual fee on 2 November 2018.

Decision

East Lothian Licensing Board decided to take no further action.

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board

Signed

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