



**MINUTES OF THE MEETING OF  
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 29 AUGUST 2019  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

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**Board Members Present:**

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

**Clerk of the Licensing Board:**

Mrs Kirstie MacNeill, Service Manager – People and Governance

**Attending:**

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

**Present:**

Ms S Saunders, Head of Communities and Partnerships  
Ms J Totney, Team Manager – Democratic and Licensing

**Committee Clerk:**

Ms B Crichton

**Apologies:**

None

**Declarations of Interest:**

None

## **1. MINUTES FOR APPROVAL**

The minutes of the East Lothian Licensing Board meeting of 27 June 2019 were approved as a true record of the meeting.

## **2. GRANT OF PROVISIONAL PREMISE LICENCE Thomson's of Tranent, 22b Winton Place, Tranent**

Mr G Thomson, applicant, was present.

The Clerk advised that this application was continued from the June Board for the licence holder to appear and to clarify the area requested for the outdoor drinking area. She added that there were no objections from the public, the NHS, or the Community Council. Police Scotland had no adverse comment, but raised concerns about the size of the outside drinking area. She advised that the LSO has recommended that conditions be attached: delineation of the outdoor drinking area; the surrounding footpath would not be obstructed; the area to be used only for persons seated at tables; no music or entertainment to be permitted in the external licensed area; approved plastic glasses to be used in the outdoor area; the terminal hour would be not later than 22:00; the area to be cleared of furniture no later than 15 minutes after the outdoor terminal hour; the defined area to be kept clear of all waste; and the area should be capable of being monitored by staff.

Mr Thomson provided background information about the building and business, which is a café/eatery with table service. He stated that he would wish to be able to place a few tables beyond the canopy boundary. Mr Thomson highlighted the ambience and feel of Civic Square to which the café's outdoor seating area would contribute.

In response to questions from Members, Mr Thomson advised that the off-licence area in the new shop is somewhat larger than in the old shop; however, he highlighted that the alcohol section did not represent an overprovision. The LSO, referring to his letter dated 4 April 2019, advised that he had no objection to the off-licence provision. He highlighted that Scottish Government policy recommended that Licensing Boards always have consideration of off-licence capacity, and this should have been stated on the plans.

The LSO recommended that the terminal hour for the outdoor area be 20:00 to protect the business and its customers from potential volatile situations. Mr Thomson requested that the terminal hour be 22:00, and assured the Board that the area would be well-managed. He stated that the establishment's alcoholic drinks prices and the lack of draught alcohol would not encourage a young crowd to drink at Thomson's of Tranent.

In response to further questions from Members, Mr Thomson advised that the site would lend itself to music being played under the canopy; he noted that East Lothian Council had been supportive of the business and wanted to help make Civic Square a 'living square'.

Inspector Harborow referred to the Police Scotland letter dated 27 May 2019, and raised the issue of the terminal hour. He acknowledged the application's assertion that

alcohol would only be served with food in the outside area, but stressed that the applicant should ensure the outside area does not morph into a standing drinking area.

In response to a question from Councillor Goodfellow, Mr. Thomson stated that Thomson's of Tranent would join Pubwatch.

The applicant answered questions about the delineation of the outdoor area. Mr Thomson stated there was no intention of tables being positioned as far as the public walkway, and advised that he envisioned three or four additional; tables outwith the canopied area, only during busy periods. The Clerk enquired if this area would be delineated by way of a rope, suggesting that it would be added as a condition on the licence. Mr Thomson acknowledged that the war memorial is a sensitive site, and stated the shop and café would close during the Armistice Day service.

The LSO raised that current planning permission extended only as far as the canopy, and therefore the applicant would be in breach of current planning permission by placing tables beyond the canopy.

The Clerk pointed out that three permissions are required: planning permission; pavement permission; and a premises licence. She added that it would be prudent to have all three permission aligned. In response to Councillor Henderson, the Clerk advised that it is not normal to delineate an outside smoking area.

Responding to a question from Councillor McMillan, Mr Thomson advised that he would look to store furniture securely under the canopy at night.

The Board adjourned in private to debate the matter. On reconvening, Councillor Dugdale, Licensing Board Convener, delivered the decision.

### **Decision**

East Lothian Licensing Board agreed to grant the provisional premise licence, including the outside area, subject to the following conditions:

- An updated operating plan is provided to Licensing Officers to show the capacity of the off-sales area: to be no greater than on the existing plan
- The licensed outside area to be in accordance with existing planning permission (only the area under the canopies); an updated operating plan is to be provided
- The terminal hour for alcohol consumption outside will be 22:00
- Alcohol may be served in the outside drinking only to those who are seated

Ms MacNeill, Clerk of the Board, explained that the applicant would need to re-apply to the Board in future to expand the pavement service within a clearly delineated area.

**Sederunt:** *Mr G Thomson left the meeting*

### **3. GRANT OF MAJOR VARIATION OF LICENCE**

#### **(a) North Berwick Golf Club, Beach Road, North Berwick**

The Clerk advised that the application seeks to change from a club to an open licence, removing the local condition that no more than six guests may be signed in by any one member. The application also seeks to add activities: gaming and outdoor licensed area to the front of the Club House. She added that there are no objections from the public, Police Scotland, the LSO, the NHS, or the Community Council.

Ms E. McBride, General Manager of North Berwick Golf Club, was present to represent the applicant.

Ms McBride outlined the reasons for applying to change the premises from a club licence to an open licence, highlighting that this would avoid the need for members to sign guests in to functions.

The LSO referred to his letter dated 24 July 2019, and indicated he fully supported the application.

The Convener enquired as to the kind of gaming the Club anticipated. Ms McBride advised that the Club held raffles for charity on occasion.

Inspector Harborow referred to the Police Scotland letter dated 18 July 2019, and advised that Police had no further comment to make.

In response to a question for Councillor Bruce, Ms McBride advised that the Club were happy with the terminal hour of 22:00 for outdoor use, noting the need to maintain positive relationships with neighbours. Furthermore, the Club will not play amplified music outside.

Councillors Innes, McMillan, and Henderson voiced their full support of the application.

### **Decision**

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

- No amplified entertainment outdoors
- The terminal hour for the outdoor drinking area will be 22:00

***Sederunt:*** Ms McBride left the meeting

### **(b) Prestonpans Royal British Legion, 19D Rope Walk, Prestonpans**

The Clerk explained that the application seeks to vary the premises licence to include an outside drinking area on the West side of the premises. The beer garden will operate 11:00 - 20:00, and children will access the outside area through the main gate or hall door. She added that there are no objections from the public, Police Scotland, the NHS or the Community Council. She advised that the LSO has recommended that conditions be attached: no music or entertainment to be permitted in the licensed area; the terminal hour of the area to be 20:00; and the area music the capable of being monitored by staff.

Mr T Thomson, Treasurer, was present to represent the applicant.

Mr Thomson outlined the reasons for applying to vary the premise licence, highlighting Club's desire to create a family-friendly atmosphere by allowing children to be present in the outdoor licensed area.

The Clerk advised that no complaints had been received while the beer garden had been in operation under occasional licences.

The LSO referred to his letter dated 24 July 2019, highlighting his request that a condition be attached that no music or amplified entertainment be permitted outdoors due to the proximity of neighbouring properties. He advised that 20:00 would be an acceptable terminal hour in a residential area. The LSO stated that good management

of outdoor areas and staff monitoring and/or CCTV would be essential. He offered his support to the application on the basis that these conditions be attached.

Inspector Harborow referred to the Police Scotland letter dated 10 July 2019, and advised that the Police had no further comment to make.

In response to a question from the Convener, Mr Thomson stated that the Club was happy with the LSO's suggested conditions.

Councillor Innes raised that the Prestonpans Royal British Legion Club is held in high regard, and felt the application would help to include families in the life of the Club. Councillor Bruce echoed these sentiments, and expressed a wish that East Lothian Council support the Club to maintain its vibrancy. Councillor McMillan expressed his view that the Club was well-run, and voiced that he had been impressed by the community spirit and by the work carried out by the Club.

### **Decision**

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

- No music or entertainment will be permitted in the outside licensed area
- The terminal hour of use of the outside area will be no later than 20:00
- When in use, the outside area must be capable of being monitored by staff either physically or via an approved CCTV system

*Sederunt: Mr T Thomson left the meeting*

#### **4. GRANT OF EXTENSION OF LICENSED HOURS** **(a) North Berwick Rugby Football Club, North Berwick**

The application seeks to extend licensed hours on specified dates to cater for the Rugby World Cup. The Club would intend to open early to allow members and their guests to watch matches and have breakfast. Members would be required to pre-book their attendance.

Mr D Paul, Club Manager, was present to represent the applicant.

Mr Paul outlined the reasons for applying to change the premises from a club licence to an open licence, noting that members wished to celebrate the Rugby World Cup matches being played in Japan. The Club has installed a large screen for members to watch the matches. Mr Paul noted that the majority of the games begin early in the morning due to the time difference. The Club would require members and their guests to purchase a ticket, which would include breakfast. These events would be exclusive to members and their guests, and would not be advertised publically. Mr Paul highlighted the Police objection based on the Club being open in excess of the Scottish Government's recommended maximum period of 14 hours a day, and stated that the Club would close early on those days.

Inspector Harborow reminded members that it is also outwith Board policy for licensed establishments to be open more than 14 hours a day. He added that Police Scotland have no objection the earlier opening time but they are objecting to the earlier consumption of alcohol.

In response to questions from Members and the Police, Mr Paul advised that the Club has an open licence, but reiterated that the Rugby World Cup events would be for Club

members and their guests only. Mr Paul stated that there were no other events booked on the days the Club could be in breach of the Government's recommended maximum period of 14 hours; unless an event is on, the clubhouse seldom operates after 22:00.

Councillor Goodfellow noted that similar applications had been granted in the past, to his knowledge without repercussion. He indicated he would give his support to the application on the basis that attendees would pre-book.

Councillor Henderson highlighted the significance of the event. She advised that she was comfortable to grant the application on the basis that the Club would be running one-off events for a small group of people, and because due consideration had been given to opening hours on days when the maximum period of opening of 14 hours would otherwise have been breached.

Councillor Innes raised that members of the Rugby Club had a vested interest in the sport, and acknowledged that watching together in a group would be the next-best thing to attending the matches in person. He offered his support to the application.

Councillor Bruce echoed the views of fellow Board Members and offered his support to the application. Councillor McMillan stated he respected the Police view, but was minded to grant the application.

Mr Paul enquired whether it would be possible to close for a few hours in the afternoon to avoid breaching the maximum period of opening of 14 hours. The Clerk advised that this would be permissible, and it was agreed that the Club would inform the Police of any dates on which this arrangement would be made.

### **Decision**

East Lothian Licensing Board agreed to grant the extension of licensed hours subject to the following conditions:

- The names of those attending will appear on a list in advance of the event, for which it will be compulsory to buy a ticket
- Breakfast is to be served throughout the extended licensing period
- The Club will adjust opening hours to avoid breaching the Scottish Government's recommended maximum period of opening of 14 hours. Any adjustments in hours are to be advised to the Licensing Office in advance.

### **(b) Nether Abbey Hotel, 20 Dirleton Avenue, North Berwick**

The application seeks to extend licensed hours on specified dates to cater for the Rugby World Cup. The Hotel would like to serve Champagne breakfasts for the early Scotland opening Rugby World Cup game televised from Japan.

No one was present to represent the applicant.

Members discussed the opening and closing times so that the premises would avoid breaching the Scottish Government's recommended 14-hour maximum period of opening.

The LSO noted that the Nether Abbey Hotel has the Fly Half Bistro & Bar, and has had an interest in rugby for many years.

## **Decision**

East Lothian Licensing Board agreed to grant the extension of licensed hours subject to the following conditions:

- Televised matches to be pre-booked/ticketed events and the names of those attending will appear on a list in advance of the event
- The premises will adjust opening hours to avoid breaching the Scottish Government's recommended maximum period of opening of 14 hours

The Clerk commented that other applications for extended licensing hours could be received before the Rugby World Cup. If there were objections to these applications, the Board agreed that the Clerk should communicate with Board members by email to determine these applications.

## **5. CHIEF CONSTABLE'S REPORT TO EAST LoTHIAN LICENSING BOARD 1 APRIL 2018 – 31 MARCH 2019**

*Sederunt: Ms M Winter left the meeting*

Inspector Harborow presented the Chief Constable's Report to East Lothian Licensing Board, 1 April 2018 – 31 March 2019.

Inspector Harborow highlighted key points in the report, including the Ask Angela campaign, and East Lothian's ranking of 18/30 for local authority areas for alcohol outlet availability in Scotland; he noted that this was lower than Scotland as a whole. He thanked the LSO, Mr Fruzynski, and PC Heather Bowsher for their diligence and flexibility in carrying out inspections of East Lothian licensed premises. He also expressed his thanks to the Licensing Board for their work.

Inspector Harborow highlighted that PC Heather Bowsher is to retire in the coming year. He extended his thanks for her diligence and for the sterling work she has carried out.

Councillor Innes thanked Police Scotland for the report and Inspector Harborow for his presentation. He expressed that East Lothian Licensing Board are fortunate to have a positive relationship with Police Scotland and that the Police have positive relationships with licensees. He highlighted that the report showed there was not a high instance of alcohol-related crime in East Lothian. Councillor Innes stated that PC Bowsher would be a hard act to follow.

Councillor McMillan highlighted the exemplary work done with the Police Scotland Young Volunteer programme; to reduce drinking in public; and on the fake ID campaign. He thanked PC Bowsher for her leadership and engagement.

Councillor Henderson thanked the Police for their support, particularly as many Members had been new to Licensing. She commented that it is an enormous responsibility and privilege to be part of the licensing regime.

The Convener added her personal thanks to Police Scotland to the LSO.

## **Decision**

East Lothian Licensing Board agreed to note the report.

**6. PUBLIC RECORDS (SCOTLAND) ACT – EAST LOTHIAN COUNCIL AND EAST LOTHIAN LICENSING BOARD PROGRESS UPDATE REVIEW 2019**

The Clerk presented the Progress Update Review from the National Records of Scotland, dated 17 July 2019.

She highlighted the accompanying letter from the Public Records Officer, encouraging East Lothian Council to publish the report on their website to highlight their good work and progress in records management arrangements.

**Decision**

East Lothian Licensing Board agreed to note the report.

Signed .....

Councillor Fiona Dugdale  
Convener of East Lothian Licensing Board