

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

**THURSDAY 28 JUNE 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor s Akhtar
Councillor J Goodfellow (Chair)
Councillor D Grant
Councilor W Innes
Councillor F McAllister

Clerk of the Licensing Board:

Ms K MacNeill, Clerk

Attending:

Mr G Fairgrieve, Food Safety Manager
Mr R Fruzynski, Licensing Standards Officer
Ms D Richardson, Licensing Administration Officer
Insp S Broadhurst, Lothian & Borders Police
Insp H Miller, Lothian & Borders Police
PC J Leslie, Lothian & Borders Police

Committee Clerk:

Ms J Totney, Democratic Services Manager

Apologies:

Councillor D Berry
Councillor P McLennan

Declarations of Interest:

None

1 APPOINTMENT OF CONVENOR TO EAST LoTHIAN LICENSING BOARD

The Clerk welcomed everyone to the meeting and advised that the first item of business is not on the agenda. Councillor Goodfellow was proposed by Councillor Innes and seconded by Councillor Grant.

Councillor Goodfellow proposed a vote of thanks to the members of the previous East Lothian Licensing Board.

Decision

Councillor Goodfellow was appointed Convenor to East Lothian Licensing Board.

2 MINUTES FOR NOTING – 26 APRIL 2012

The minutes of the Licensing Board meeting of 26 April 2012 were noted.

3 GRANT OF PROVISIONAL PREMISES LICENCE

(i) Lobster Shack, mobile unit situated in North Berwick harbour

The applicant, Mr S Stewart, was present. The Clerk advised that the application is in order and that no comments or objections had been received.

Decision

ELLB agreed to grant the Provisional Premises Licence.

4 VARIATION OF PREMISES LICENCE

(i) Co-operative Group Food Limited – 1 Clayknowes Crescent, Musselburgh

The Clerk advised that an application had been received to vary the trading hours from 7am to 10pm Monday to Saturday and 8am to 10pm on Sunday, to 7am to 10pm Monday to Sunday and that no objections or comments had been received. Mr Williams, representative for the Co-operative Group Food Limited, was present. Mr Williams informed the Board members that the variation to the licence would have no impact on the hours when alcohol is permitted to be sold on the premises.

Decision

East Lothian Licensing Board agreed to grant the variation in Premises Licence.

(ii) Winton House – Pencaitland, East Lothian

The Clerk advised that an application had been received to change the operating hours from 11pm to midnight every day; to change the capacity from 140 to 218 persons; and to reduce the licensed areas in the basement area. She informed members that Lothian & Borders Police had requested a termination time of 11pm,

rather than midnight, Monday to Friday. No one was present to represent Winton House.

Councillor Innes commented that East Lothian Licensing Board has previously accepted exceptions to the licensing policy. However, in the absence of a representative to explain the reason for the request to extend the operating hours he stated that the view of the Police should be supported.

Councillor Grant requested that this item be adjourned and that the licence holder be asked to attend in person to address the Board.

The Clerk advised that an additional meeting of the Board had been arranged for 12 July 2012 and that the item could be continued to that meeting.

Decision

East Lothian Licensing Board agreed to continue the item and invite the applicant to attend in person on 12 July 2012.

5 REVIEW OF PREMISES LICENCE

(i) Auld Brig Tavern – 45 Eskside West, Fisherrow, Musselburgh

The Clerk advised that a review of the premises licence had been requested by Lothian and Borders Police. Mr N Hassard from Lindsay's was present to represent Belhaven Brewery Company Limited, landlords of the Auld Brig Tavern. Ms E Drummond, Regional Manager, Belhaven Brewery was also present.

Inspector Broadhurst, Lothian & Borders Police, stated that there had been a number of concerns with these premises over the past year and referred Board members to the summary of incidents which was included as an appendix in the private distribution of the meeting papers.

Mr Hazard explained the management set-up at the premises and advised that although Belhaven Brewery exhibit a very high level of due diligence, the premises are co-tenanted and run by Mr J Clark & Mrs D Clark, personal licence holders, and Mr J Livingston. He concurred that there had been a catalogue of unacceptable incidents and offences at the Auld Brig Tavern. However, he informed the Board that the lease is not being renewed and that a new, very experienced tenant, will be taking over from 2 July 2012. He referred to the fact that there is a remit to review the personal licences of those individuals running the premises but suggested to the Board that no action be taken in relation to the premises licence as this would hinder the success of the imminent take over by the new tenant.

Inspector Broadhurst confirmed that the new tenant has a good reputation in Mid Lothian where he currently runs a number of licensed premises. However, he expressed serious concern in relation to the attitude and behaviours of the current tenants/personal licence holders at the Auld Brig Tavern, making reference to some specific incidents listed in the appendix to the Police report.

The Board noted that Mr J Clark was present.

Mr Hassard pointed out that he had no remit to represent the personal licence holders.

The Clerk to the Board stressed to Mr Clark that any comments he wished to make to the Board should be restricted to the matter of his personal licence and that he should not discuss any details relating to the offences and incidents raised by Lothian & Borders Police.

Mr Clark volunteered that he would surrender his own personal licence but asked the Board to take a favourable view regarding Mr W Hogg, another personal licence holder, who is the bar manager at the premises, pointing out that the co-tenants had placed Mr Hogg under pressure to manage the bar in the manner in which he did. Mr Clark commented that he was unsure of the intentions of Mrs D Clark, his wife, another personal licence holder, regarding her licence.

Inspector Broadhurst advised that there are no issues regarding Mrs Clark's conduct.

Members of the public withdrew from the meeting at this point to allow the Police to provide further information regarding the personal licence holders. In response to a question from Councillor McAllister, Inspector Broadhurst advised that it is rare for such a serious situation to come before East Lothian Licensing Board.

Members of the public returned to the meeting while the Board members and Clerk withdrew to debate the matter in private.

Following the Board's considerable private deliberations, Councillor Goodfellow delivered the decision of the East Lothian Licensing Board.

The Clerk confirmed that the reasons for the Board's decisions would be issued to Mr Hassard as soon as possible.

Decision

East Lothian Licensing Board agreed:

- (i) to suspend the premises licence for seven days with immediate effect
- (ii) that the Licensing Standards Officer and East Lothian & Borders Police should closely monitor the premises on an ongoing basis
- (iii) to review the personal licences of Mr Clark and Mr Hogg

6. SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Board agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

Personal Licence Application

The Licensing Board considered one Personal Licence Application.