

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

**THURSDAY 26 JUNE 2014  
SALTIRE ROOMS, JOHN MUIR HOUSE, HADDINGTON**

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### **Board Members Present:**

Councillor J Goodfellow (Chair)  
Councillor S Akhtar  
Councillor S Currie  
Councillor D Grant  
Councillor W Innes  
Councillor F McAllister

### **Clerk of the Licensing Board:**

Mrs M Ferguson (Depute Clerk of the Licensing Board)

### **Attending:**

Mr R Fruzynski, Licensing Standards Officer  
Ms C Molloy, Senior Solicitor  
Ms D Richardson Licensing Admin Officer  
PC H Bowsher, Police Scotland

### **Committee Clerk:**

Ms J Totney, Democratic Services Manager

### **Apologies:**

Councillor T Trotter

### **Declarations of Interest:**

None

#### **1. MINUTES FOR APPROVAL – 22 May 2014 and 30 May 2014**

The minutes of the Licensing Board meetings of 22 May 2014 and 30 May 2014 were agreed to be a true record.

#### **2. MAJOR VARIATION OF PREMISES LICENCE**

##### **Pan Convenience Store – 5 Hawthorn Road, Prestonpans**

The applicant, Mr Abdul Nadeem, and Mr Mohammed Younis, licence holder, were present.

The Clerk advised that the application is a major licence to vary the core hours in respect of Pan Convenience Store. She informed Members that the applicant is

represented by Mr Alistair MacDonald of MacDonald Licensing. Mr MacDonald has emailed the Board to request that this item be continued. Mr Nadeem confirmed that he was agreeable to this item being continued to the next scheduled Board meeting on 28 August 2014.

**Decision**

East Lothian Licensing Board agreed to continue this item until 28 August 2014.

**3. PERSONAL LICENCE**

**(i) Emma Hutcheon**

The applicant, Ms Emma Hutcheon, was present.

The Clerk informed the Board that Ms Hutcheon has disclosed a previous conviction in her personal licence application, which has been confirmed by Police Scotland. Additional information from Police Scotland in respect of the conviction was tabled to Board Members and Ms Hutcheon. The Clerk noted that the Police have made no recommendations in respect of this application.

PC Heather Bowsher stated that the applicant appears to be genuinely sorry for the incident and that in the circumstances the Police have no objections to the application.

The Licensing Standards Officer (LSO) advised that he had no comments to make.

Ms Hutcheon explained to the Board that this was a one-off incident for which there is no excuse.

Councillor Innes thanked Ms Hutcheon for her honesty in declaring this conviction and acknowledged that she has shown genuine contrition.

Councillor Grant shared Councillor Innes' views and added that he did not see a link between the conviction and the Board's licensing objectives.

**Decision**

East Lothian Licensing Board agreed to grant the personal licence.

**(i) Simon Kirk**

The licence holder, Mr Simon Kirk, was present.

The Clerk advised that Mr Kirk has been convicted of a relevant offence, which has been confirmed by Police Scotland, and that Mr Kirk has notified the Board accordingly. A Police Summary is contained in the Board papers and a letter of support for Mr Kirk was tabled to Members.

PC Bowsher indicated that she had nothing to add to the Police Scotland report that is contained in the Board papers.

The LSO advised that he has known Mr Kirk both personally and professionally for six years and had found Mr Kirk to be a diligent and efficient barman. The LSO

considered this incident to be very out of character and commented that Mr Kirk is full of remorse.

Mr Kirk told the Members that regrets what he did; realises that this has brought shame on his family; that this is indeed out of character for him; that it was a mistake which would never happen again; and that he was really sorry for what he had done.

Mr Kirk answered a number of questions from Councillor McAllister regarding the circumstances surrounding the incident.

Councillor Grant commented that it is difficult to link the offence and the licensing objectives and stated that nonetheless, it is a very serious offence. However, in the circumstances, he was minded to take no further action.

Councillor Currie was of the view that, on balance, there is no threat to the licensing objectives and that no further action is required.

Councillor Akhtar stated that being a personal licence holder is a position of responsibility and that this type of offence is unacceptable.

Councillor Goodfellow, Chair of East Lothian Licensing Board, stressed that incidents of this nature are not the standard of behaviour that the Board expects from personal licence holders. While he hoped there would never be a repeat of this type of offence, he was satisfied that there is no risk to the licensing objectives.

#### **Decision**

East Lothian Licensing Board agreed to note the conviction and take no further action.