

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

**THURSDAY 26 FEBRUARY 2015  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

---

### **Board Members Present:**

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

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

Mrs K MacNeill (Clerk of the Licensing Board)

### **Attending:**

Mrs M Ferguson, Service Manager, Legal and Procurement  
Mr R Fruzynski, Licensing Standards Officer (LSO)  
Ms D Elworthy, Licensing Officer  
PC H Bowsher, Police Scotland

### **Committee Clerk:**

Ms J Totney, Team Manager - Democratic Services

### **Apologies:**

Councillor F McAllister  
Councillor T Trotter

### **Declarations of Interest:**

None

#### **1. MINUTES FOR APPROVAL – 22 January 2015**

The minutes of the Licensing Board meeting of 22 January 2015 were agreed to be a true record.

#### **2. STATEMENT ON OCCASIONAL EXTENDED HOURS – THE SCOTTISH GOLF OPEN 2015**

Councillor Goodfellow, Chair of the Licensing Board, read out the following statement:

“In terms of Section 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 Scottish Golf Open Championship 2015. This extension will apply from 9 to 12 July

2015 inclusive and will allow an extension of the terminal hours for the sale of alcohol until 1am. This extension will only apply to on-sales and not to off-sales of alcohol. There will be no general extensions beyond this although any applications for extended hours outwith 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 Friday 31 May 2015.”

### **3. VARIATIONS OF PREMISES LICENCE**

#### **(i) ASDA Stores Ltd, Spott Road, Dunbar**

Mr Taylor, Gosschalks Solicitors, was present to represent the applicant.

The Clerk informed the Board that the application seeks to amend other activities to say ‘The premises are supermarket premises and sell a wide range of products including groceries, household goods, clothing and toys – 6am to Midnight, Monday to Sunday’. The trading hours are currently 8am to 10pm Monday to Sunday. She added that no objections have been received from the public.

Mr Taylor advised that there would be no change to the hours for the sale of alcohol and that Asda Stores Ltd were seeking to increase their trading hours.

#### **Decision**

East Lothian Licensing Board agreed to grant the variation of premises licence.

#### **(ii) Royal British Legion, Longniddry**

Mr J Eccles was present to represent the applicant.

The Clerk informed the Board that this application seeks to change the licence to an open licence; extend the outdoor drinking area; and extend the terms of children and young persons’ access. She added that no objections have been received from the public. The Clerk advised that this application had been continued from the meeting on 22 January 2015. The Board had requested that a representative attend in person to explain how the presumption against refusal could be rebutted as the application for extended hours, in the outside drinking area, engages the overprovision statement.

Mr Eccles stated that the outside drinking area is a small area of ground which has recently been tidied up. He did not consider that the outside drinking area would change the number of patrons who use the premises.

The Licensing Standards Officer (LSO) advised that he has no objection to the application and commended the applicant on the well presented external drinking area.

Insp Harborow advised that Police Scotland has no objection to this application. However, he drew attention to the fact that the application is outwith Board policy with regard to the overprovision statement and requested that the terminal hour for the outside drinking area be 22.00 hours.

Mr Eccles remarked that the outside drinking area is not used after 21.00 hours. He confirmed that he would be agreeable to a local condition which set the terminal hour for this outside area at 21.00 hours.

Councillor Innes stated that the Royal British Legion, Longniddry, is a first-class establish and he would support the application; a view shared by Councillor Currie.

Councillor Goodfellow referred to the memo from East Lothian Council's Development Control Manager which indicated that retrospective panning permission is required for the use of the outside land as an external drinking area. The Clerk clarified that the applicant would be required to submit a planning application in this respect.

**Decision**

East Lothian Licensing Board agreed to grant the variation of premises licence subject to a terminal hour of 21.00 hours for the external drinking area.

**4. PERSONAL LICENCE APPLICATION - Grant Dowie**

Mr Dowie was present.

The Clerk reminded Board members that the application had been continued pending the outcome of a court hearing. She advised that a telephone call had been received this morning from the applicant's representative; Mr A Macdonald of Macdonald Licensing.

Mr Macdonald had advised that the trial date was now set for July 2015 and he had requested that the Board be asked to consider another continuation of this application. Mr Dowie confirmed that he is indeed requesting a further continuation.

Insp Harborow confirmed that the trial date is set for 21 July 2015.

Mr Dowie was agreeable to the application being continued to the meeting of the East Lothian Licensing Board in August 2015.

**Decision**

East Lothian Licensing Board agreed to continue the application to the August 2015 meeting.

**5. PREMISES LICENCE REVIEW REQUEST – Elphinstone Arms, Main Street, Elphinstone.**

Mrs M Dodd, Premises Manager, was present as an observer.

The Clerk advised that Police Scotland had requested that the premises licence be reviewed and that the Board can decide to uphold this request or not to grant a review. If a review of the premises licence is granted, this would take place at the Board meeting on 26 March 2015.

The LSO had no comment to make. Insp Harborow had nothing to add to the Police Scotland report contained in the Board papers.

Councillor Grant remarked that, on balance, the report from Police Scotland did not contain new information but there was an indication that additional information was available. He requested that the premises licence be reviewed and sought reports

from East Lothian Council's Building Standards Services and from the Scottish Fire and Rescue Service regarding the general condition of the premises.

Councillor Currie supported Councillor Grant's proposals, stressing the importance of obtaining the additional reports.

Councillor Goodfellow also sought to review the premises licence. He stated that the premises licence holder would be required to give a representation to the Board about the future management of the premises as this had been a cause for concern previously.

### **Decision**

East Lothian Licensing Board agreed:

- to grant a review hearing, on the grounds of preventing crime and disorder; and securing personal safety;
- that the hearing would be held at the 26 March 2015 meeting of East Lothian Licensing Board; and
- that detailed reports would require to be submitted by the Council's Building Standards Services and the Scottish Fire and Rescue Service

***Post meeting note:*** *The date of the March 2015 meeting of East Lothian Licensing Board has been changed to 25 March 2015. This meeting was subsequently cancelled.*