



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

**THURSDAY 27 SEPTEMBER 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Henderson

Clerk of the Licensing Board

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

Forum Members Present:

Mr G Hood (Convener)
Mrs E Oldcorn, NHS Lothian
Mr D Dickson
Mr J Thayers, MELDAP
PC Bowsher, Police Scotland
Mr Rudi Fruzynski, LSO

Attending:

Mr C Grilli, Service Manager – Legal and Procurement
Ms G Herkes, Licensing Officer
Ms C Shiel, Licensing Officer

Committee Clerk:

Ms J Totney, Team Manager – Democratic and Licensing

Apologies:

Councillor J Goodfellow
Councillor C McGinn
Councillor J McMillan

Declarations of Interest:

None

Councillor Dugdale (Convener) welcomed everyone to the meeting.

1. MINUTE OF THE MEETING OF THE JOINT ELLB AND ELLF 28 SEPTEMBER 2017, FOR INFORMATION

Members noted the minute.

2. MATTERS ARISING

The Clerk advised that any appropriate training or briefing sessions would continue to be extended to Members of the Forum.

3. DRAFT LICENSING BOARD STATEMENT OF POLICY

The Clerk stated that this agenda item had been requested by the Licensing Forum who were seeking reasons why all their recommendations had not been included in the draft policy. The Clerk pointed out that the Forum's full statement is included in the policy as an appendix.

The Convener invited Forum members to open the discussion.

Ms Oldcorn advised that it was her understanding that the Licensing Board is obliged to respond to all recommendations put forward by the Forum within 21 days. She asked when full explanations would be available on the 16 recommendations submitted by the Board. The Clerk undertook to provide the Forum with the reasons. Ms Oldcorn added that the Forum is very disappointed in the decision on overprovision, and given the consistent evidence submitted by consultees, the Forum feel the policy should include overprovision for off-sales of alcohol. She asked for details of the evidence on which the overprovision decision was made.

Councillor Bruce advised that there is no evidence that off-sales are overprovided for; made comparisons with the rest of Scotland; stated that people would travel to purchase alcohol; and made reference to the need to support East Lothian as a growing county. He acknowledged Mr Hood's remark that the policy contains a caveat about growth and development in East Lothian. Ms Oldcorn commented that most people buy alcohol close to home.

Mr Thayers stated that it is difficult to prove a direct causal link between harm and off-sales, and that the good health statistics for East Lothian are being undermined by the absence of an overprovision policy, which will result in easier access to alcohol. The Clerk advised that no evidence was presented to the Board which linked the sale of alcohol in a particular locality to causing harm; Councillor Henderson supported this view. Ms Oldcorn contested that there was evidence in the Alcohol Focus Scotland (AFS) CRESH report.

Board and Forum members debated the lack of off-sales statistics from supermarkets; display capacity and whether capacity needs to be restricted; and the Board's ability to consider local knowledge when making decisions about overprovision. Ms Oldcorn and Mr Hood stressed that the Board will find it very difficult from a legal perspective to refuse to grant a licence in the absence of an overprovision statement.

The Clerk indicated that the policy is a living document and that given the amount of change anticipated in the county in the coming years, the Forum could come back with

more comments in future. She added that there could be changes to the policy in future, although these would likely be subject to further public consultation.

In response to questions from Ms Oldcorn, the Clerk confirmed that occasional licences would not be granted for events that are predominantly for children and young people and that there was no statutory obligation for the Board to respond to NHS Scotland.

Mr Hood asked that any reference to domestic abuse in the policy document, is not gender specific. The Clerk confirmed that the wording would be amended.

The LSO remarked that overprovision has been a challenge since 2007 and reminded the meeting that the Board will consider each application on its own merits. He stressed that factual local knowledge is critical to decision making, especially relating to matters such as antisocial behaviour and the theft of alcohol. He indicated that reporting of these matters needs to be more accurate and suggested that an alcohol profile of East Lothian be produced. Ms Oldcorn repeated that the absence of an overprovision statement means that the Board has nothing on which to defend a legal challenge for refusing to grant a licence. The LSO stressed the importance of considering local knowledge when the Board is making a decision.

Ms Oldcorn commented on the number of licence variations that are granted and their contribution to the availability and ease of access to alcohol; stated that evidence shows that there is more harm in areas where alcohol is more readily available; expressed the desire to avoid stigmatisation of certain areas and possible lack of development; claimed that the Forum has observed, on an ongoing basis, that the Board do not adhere to policy; and asked if the Board plan to carry out any evaluation of the new policy. The Clerk acknowledged that evaluation would be good practice.

Decision

Members noted that the Clerk would respond to the Forum in relation to the recommendations they had submitted.

4. DEVELOPMENT AND MAREKETING OF THE LOCAL LICENSING FORUM

Ms Oldcorn advised that the Forum wants to look at increasing its membership and was seeking guidance from the Clerk. She indicated that the Forum were considering approaching community councils, Pubwatch, and hoped to make contact with staff in the Council's social work and education departments.

In relation to children and young people, Ms Oldcorn reported that there would be an annual Forum event in December, in conjunction with Police Scotland, where children and young people would attend and contribute. The Clerk mentioned that there is a Head Teachers' conference twice a year and this might be a route for promoting the Forum to young people. Mr Thayers referred to biennial reporting on the S2-S4 cohort in relation to smoking, drugs and alcohol. He advised that these statistics will inform the December session with the young people.

The Clerk advised that work is to be done to create a structured recruitment process for Forum members.

Councillor Henderson suggested that it would be beneficial for the Forum to link in with the area partnerships especially as they have a health and wellbeing sub-group. The Clerk advised that her team could provide contact details.

LOS

In response to a question from Councillor Henderson, the LSO advised that he regularly promotes the Forum to licence holders and to those applying for a licence.

PC Bowsher reported that attendance at Forum meetings is poor and that two meetings have been cancelled recently due to the lack of a quorum. Mr Dickson commented that the current membership is not fully representative of all stakeholders. Mr Hood acknowledged that the work of the forum is a big commitment on a volunteer basis.

The Clerk commented that the Forum is important and active in East Lothian and is independent from the Licensing Board.

Ms Oldcorn advised that plans for a national forum were not being progressed.

Mr Hood stated that there should be a training programme for people who become Forum members. Ms Oldcorn added that AFS had been working on a training package, but it had not progressed beyond the draft stage; she would ask if AFS have plans to develop this. The LSO advised that AFS provide training materials online, although Ms Oldcorn did not recall seeing anything on their website.

Decision

Members agreed to note the discussion.

Signed

Councillor F Dugdale
Convener of East Lothian Licensing Board/Convener of the joint
meeting with East Lothian Licensing Forum