



MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM

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WEDNESDAY 22nd FEBRUARY 2023
MERCAT GRILL

Forum Members Present:

Mr G Blaikie
Mr S Baxter
Ms K Harling
Mr J Thayers
Mr A Podder
PC I Anderson

Clerk:

Ms M Scott

Visitors Present:

There were no visitors present at the meeting

Apologies:

Mr D Dickson

Declarations of Interest: There were no Declarations of Interest recorded at the meeting.

1. ELECTION OF CHAIR/SECRETARY

Ms Harling proposed Mr Blaikie for the role of Chair and this was seconded by Mr Thayers. Mr Blaikie agreed to take on this role until next year. No Secretary was elected.

Mr Blaikie thanked everyone for their attendance.

2. MINUTES OF THE MEETING OF THE EAST LOTHIAN LOCAL LICENSING FORUM HELD ON 30 NOVEMBER 2022 AND MATTERS ARISING

The minute was agreed as an accurate record of the meeting.

It was agreed that Mr Thayers and Ms Scott would contact the organiser of the MS Teams meeting which discussed the Local Licensing Survey for an update and then forward this onto Forum members.

3. POLICE REPORT (VERBAL)

PC Iain Anderson made the Forum aware that PC Cameron Tait would be joining the Forum to replace PC Graham Bairden. PC Tait would be starting his post on Monday and would be in attendance at the next Forum meeting.

PC Anderson reported that since the last meeting on the 30th November 2022 there had been 28 reported incidents, 10 related to off-sales and 18 within licensed premises. 5 of these incidents took place in Tranent, 5 in Dunbar, 4 in North Berwick, 4 in Musselburgh, 3 in Haddington, 3 in Port Seton, 2 in Wallyford, 2 in Prestonpans and 1 in Elphinstone. PC Anderson noted most of these incidents were failure to leave a premises and the police had been called to move on customers. He added sometimes calls are not directly linked to licensed premises and instead was a disturbance outside but the business has been named in the call. PC Anderson reported there had been 3 assaults/ejections from premises but no serious issues which is low compared to previous years. He added that the reduction in incidents could be due to people not going as much post pandemic as well as the cost of living crisis.

PC Anderson reported 30 new officers had started with another 50 starting soon and he hoped with more staff available officers would be able to build up relationships with premise owners. He added that inspections of premises were only happening around special events such as Hogmanay or big football games. There were 34 inspections completed in East Lothian over the festive period.

Mr Thayers asked if there had been a switch in terms of domestic violence. PC Anderson explained domestic violence is always there but the incidents have not increased and they are not always alcohol related incidents.

PC Anderson stated they still receive anti-social behaviour calls in regards to young people, some of which have been related to buses as all young people now have free bus passes. PC Anderson explained that Lothian Buses now have dummy buses they send to hot spots for anti-social behaviour that have plain clothed police officers on board to deal with any incidents. PC Anderson added the free bus passes were great for young people to travel safely but they have also caused issues.

Mr Podder reported his food revenue had gone down but drinks remained the same due to sports being shown and others events taking place within the premises. Mr Podder added that since November 2022 his premises stopped allowing any underage young people in without an adult as there had been too many incidents.

Ms Harling asked if PC Anderson had information on proxy sales, if young people were attempting to buy alcohol or the number of any seizures of alcohol from young people. PC Anderson reported that there were 10 off-sales incidents, a couple of which were young people walking into a shop and taking alcohol. He explained sometimes the young people are known to the owner and have threatened staff. PC Anderson agreed to get the figures and break them down further.

Mr Thayers reported that according to CAPS most young people source their alcohol from their parents, siblings or friends and it is rarely from off-sales due to the challenge 25 scheme. Mr Thayers added that some young people have good quality fake ID or a knowledge of places that are unlikely to challenge them.

Ms Harling noted that licensed premises began doing deliveries of alcohol through apps such as Snappy Shopper and now premises are asking for this to be added onto their license so the delivery policy could do with being tightened.

PC Anderson stated that in some areas young people are going into shops are just taking the alcohol they want as they know a shop keeper in a small rural shop will not challenge them and instead just report the incident to police. He added that shops can be advised to move alcohol displays within their stores but this may not make any difference. Ms Harling asked if any test purchases of alcohol had taken place recently but PC Anderson said this was not happening anywhere in Scotland at the moment.

Mr Blaikie said around 50% of pubs were now closing 2 days a week and working reduced hours due to lack of staff and the rising cost of energy bills.

4. LICENSING STANDARDS OFFICER REPORT

Ms Harling spoke to her report and explained that no Licensing Board meeting was held in December due to Winter Recess so the January Board covered the following:

- Major Variation at No.12 Hotel & Bistro in North Berwick – granted with conditions.
- Occasional License Extension at the Mercat Grill in Whitecraig – granted.
- Occasional Licenses for Buck & Birch Ltd in Macmerry – granted.
- Personal License for Stephen Stevens – refused.

Occasional Licenses

Ms Harling explained her overview of 2022 within her report and highlighted the 835 applications for occasional licenses which was almost double on last year. She noted part of this could be due to events restarting after the pandemic and because their provisional license has not been confirmed yet so they will start their event on an occasional. Ms Harling added that people have also started to dry hire venues then the cater they hire will also provide alcohol. Ms Harling explained that once an occasional license is granted it cannot be taken away so it is preferred businesses apply for a premises license as this is easier to manage.

Ms Harling reported that a few unconfirmed provisional licenses are due to expire so she will be doing a push for these to get sorted. Ms Harling explained the graphs within her report showed an influx of occasional licenses in the New Year with 100 of these being applied for by the 1st of February as a lot of people are not adhering to the timescales. Ms Harling stated

that complaints peaked in the summer months but these were still low with six of them being related to the marquee at the Marine Hotel in North Berwick.

Ms Harling explained that the Scottish Government sets the cost of the occasional license which is much less than a premise license which also comes with an additional annual cost. Ms Harling stated there is a consultation going forward with the Scottish Government in regards to the price of an occasional license and also for there to be a cap on the number of people applying for them. There has been discussion around this but no further movement at the moment. Mr Thayers commented that the Council are currently making a loss as the admin fee is more than the occasional license fee itself. PC Anderson added that people are submitting their application for occasional license far too late, sometimes on a Friday afternoon with the event taking place on a Saturday and an officer has not had a chance to look at the application. Ms Harling explained the policy says an application should be submitted 42 days before an event to be guaranteed but the Board have decided to very lenient on this and she believes this now requires some push back as there are too many applications for one person to deal with. Ms Harling added the applications also come with errors which means she has to contact the applicants to correct these before they can be processed.

Ms Harling explained she was against Ormiston Gala Day having a bar which gained a lot of support and caused push back to the Board. She added that she would be against any family and children events having a bar at them. Mr Baxter stated Musselburgh Gala Day has a bar normally run by the radio station but it is always very quiet. Ms Harling said she would be in agreement with a bar at an event that was to attract adults but not one where the focus is entertaining children as there is no need for alcohol to be served there. Mr Thayers was in agreement with this.

Forum Website

Ms Harling has now set up the new Forum website and has sent out a link to Members. Ms Harling asked Members to think what they would like to see on the website and let her know so she can add the information. The Forum website will contain any new campaigns being run by the police including posters which can be printed off and displayed within premises.

Climate Change Strategy

Ms Harling stated there is ongoing work for license holders to take a more responsible outlook on their carbon footprint and this is something that will be regularly discussed going forward.

Marketing the Forum

Ms Harling has been promoting the Forum as much as she can and has added a link to her email signature to prompt people to learn more about the Forum.

Licensing Policy

Ms Harling reported that this has been delayed as information is required from MELDAP. Mr Thayers agreed to get an update on this and once there is a draft a working group should start to look at smaller parts of the policy. After the next Forum meeting this will go to the Board in October for approval and hopefully in use by November. Ms Harling noted the currently policy is extensive and well written as it was future proofed in 2018 covering the issue of deliveries so it mostly requires some rewording and additional parts rather than a complete rewrite.

Mr Thayers stated that drug deaths in East Lothian cause an outrage but the number of deaths related to alcohol were just as high. He added that there is the challenge of how people perceive alcohol and that it should be treated with the same scrutiny as illicit substances. Mr Baxter added that if the older generation state they aren't having a drink people will always question this but not drinking is much more accepted with young people. Mr Podder added that people do not understand alcohol is a depressing drug.

Ms Harling stated that the Licensing Board wrote out to schools to get feedback from young people but so far there has been no response.

Decisions

The Forum agreed:

- Members to let Ms Harling know what information they would like to see on the Forum website.
- Mr Thayers to get an update from MELDAP and feedback to the forum.
- Members to continue to market the Forum.

5. ANY OTHER BUSINESS

Mr Baxter asked if there was any way to control businesses who are based outside of East Lothian but deliver alcohol to there. Ms Harling confirmed this was not possible from a compliance point of view as this only covered businesses who held an East Lothian license from their point of dispatch. Ms Harling added she could send her concerns to the LSO in the local authority of the business who had dispatched the product but said she was more concerned about the use of apps and local off sales as there seemed to be a lack of knowledge on compliance. Mr Podder stated he is really strict within his premises and if parents allow their child to drink alcohol then it is a 2 drink maximum and if they try to purchase more, then the drinks are taken away. Mr Blaikie stated he does not allow any person under the age of 18 to drink within his premises. Ms Harling confirmed this decision is at the manager's discretion and they can tell to young people at the age of 16 and 17 when they are with their parent. Mr Thayers noted parents can legally give a child of five an alcoholic drink at home. PC Anderson stated an exercise was done where young people were asked to pour a measure of alcohol and then check how much they had actually poured and then teaching them how to do it safely. Mr Thayers added that that is why it is safer for young people to drink in licensed premises as they serve regulated measures.

Mr Thayers reported a service had been set up where people can call about their own or someone else's alcohol or substance use. Mr Thayers stated the service had been hugely popular and they had received the expected yearly amount of 500 calls within a quarter. Mr Thayers explained he receives a breakdown of the substance the person is calling about and the postcode from where they have called and if Members thought this would be useful he would be able to provide this information. Mr Thayers agreed to send the information for this service to Ms Harling so it could be added to the Forum website.

Mr Thayers agreed to contact Claire Glenn in regards to joining the Forum as the Health representative.

6. AGREEMENT OF NEXT MEETING DATES/TIMES/VENUES

The following dates were agreed for future Forum meetings:

24th May at 10am within the Mercat Grill, Whitecraig

23rd August at 10am within the Mercat Grill, Whitecraig

EAST LoTHIAN LOCAL LICENSING FORUM



SCHEME OF ADMINISTRATION

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This Scheme of Administration replaces any pre-dated documents previously entitled "East Lothian Licensing Forum Constitution"

East Lothian Licensing Forum (the Forum) has been established in accordance with section 10, section 11 and schedule 2 of the Licensing (Scotland) Act 2005 (the Act). East Lothian is the area administered by East Lothian Council incorporated under the Local Government etc. (Scotland) Act 1994.

The Act legislates for the way that the Forum operates and this document outlines the actual procedures in more detail. Current and future legislation will over-ride this Scheme of Administration as appropriate.

East Lothian Licensing Forum is a separate entity from East Lothian Licensing Board and supports and promotes the licensing objectives outlined in the Act, namely:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children and young persons from harm

A REMIT AND POWERS

The functions of East Lothian Local Licensing Forum are:

1. to keep under review the operation of the 2005 Act in the East Lothian area, and in particular, the exercise by the East Lothian Licensing Board (the Board) of their functions;
2. to identify key issues affecting licensing in East Lothian and provide advice and recommendations to the Board on how to address these;
3. to ensure that the interests of all parties affected by alcohol licensing are represented by actively maintaining contact with constituents and groups, and arranging public meetings and other events to ascertain local views and encourage engagement;
4. to respond to Board consultations regarding the review and creation of Board policies;

5. to ensure that the Forum membership is representative of the parties set out at **B2**, and to run recruitment and other campaigns to attract and maintain the full mix of members;
6. to review and revise the Forum's Scheme of Administration and provide East Lothian Council with updated copies.

The Forum cannot make recommendations on individual cases or licensing applications, and members cannot use the Forum to champion their own organisation, views and interests.

B MEMBERSHIP AND ATTENDANCE

General

1. The membership of the Forum is set out in the Act and will be no less than 5 and no more than 21.
2. Forum members must meet the following eligibility criteria:
 - Aged 16 years or older
 - Able to demonstrate an interest in the alcohol licensing system
 - East Lothian resident

They must also be currently employed in, or be a formal representative of, one of the following groups:

- Premises Licence or Personal Licence holder
- Chief Constable, Police Scotland (or their nominated representative)
- Health, education or social work
- Young people (aged 16 and 17) in the East Lothian area

Membership of the Forum will cease for any member who no longer meets the eligibility criteria.

3. The appointment of the Convener of the Forum is for a period of one year. All other members are appointed to the Forum for a period of two years, although re-appointments are permissible.
4. There is a statutory requirement that East Lothian Council's Licensing Standards Officer (the LSO) is a member of the Forum. The LSO is a permanent member of the Forum and does not require to complete an application form.
5. The Chief Constable, Police Scotland (or their nominated representative) is a permanent member of the Forum and does not require to complete an application form.
6. It is the responsibility of the Forum to actively recruit new members and to ensure that the overall Forum membership includes a balance of members representing various groups.
7. Appointments to the East Lothian Licensing Forum are made by East Lothian Council Officers and not by the Forum itself. Members are appointed on such terms and conditions as the Council determine.

8. A Council Officer will produce and maintain a register of Forum member appointments, to include membership end dates, re-appointments and membership terminations.

9. **Election of Convener and Secretary**

At its first meeting in each calendar year the Forum will elect a Convener and a Secretary (should the Forum wish to appoint to the post of Secretary) from its members. Any member of the Forum can put themselves forward for these posts which require to be proposed and seconded by existing members. The posts will be filled on the basis of a simple majority vote of the members present at the meeting.

The posts will be for a period of one year.

Post-holders can seek re-election in subsequent or future years, subject to the full proposer, seconder and voting-in process.

Where a Convener or Secretary is retiring during their term of office, it is for the members of the Forum to elect a new Convener or Secretary at the earliest opportunity. The new post holder will be in post for the remainder of the current calendar year and will be eligible for re-election in the subsequent year, subject to the normal re-election processes.

10. **New Members - Application Process**

Membership application details can be found at [East Lothian Licensing Forum | East Lothian Council](#)

New applications will be assessed by a recruitment panel made up of Council Officers; the make-up of the panel will be determined by East Lothian Council.

Where an application is approved, Forum membership will be granted, and the applicant will be appointed as a member of the Forum. An appointment letter will be issued by East Lothian Council, incorporating the terms and conditions of the appointment. The appointment will only be final once the member has signed and submitted an Acceptance of Terms and Conditions document.

If the recruitment panel do not approve an application, a letter of decline will be issued by East Lothian Council.

11. **Membership Re-appointments – Application Process**

Members can apply for re-appointment by completing an abridged application form. Applications for re-appointment will be assessed by the Council's Forum recruitment panel. Applications for re-appointment should be submitted at least one month before the existing membership ends. It is the responsibility of Forum members to submit their application for re-appointment in a timely manner. Council Officers will write to members with the decision of the recruitment panel. Re-appointments will only be final once the member has signed and submitted an Acceptance of Terms and Conditions document.

Members will be re-appointed for a period of two years. There is no maximum number of times that a member can apply for re-appointment.

Applications for re-appointment that are not received in time to process them before the expiry of a current membership, will be treated as new applications and will require a full application form to be completed and submitted to the Council.

11. Termination of Membership – Non-attendance

Any Forum member who does not attend three consecutive quorate meetings of the Forum without good reason (as deemed acceptable and reasonable by the Convener), will be automatically removed from the Forum Membership as of the date of that third meeting. A Council Officer will issue a letter confirming that membership has been terminated due to non-attendance/breach of terms and conditions of membership.

The Forum may choose to issue a reminder of non-attendance to any member who has not attended two consecutive quorate meetings of the Forum.

There is no right of appeal against termination of membership in such circumstances.

12. Termination of Membership – End of Term

Membership will automatically end after two years if an application for re-appointment is not received. A Council Officer will issue a letter confirming the termination of membership.

13. Termination of Membership – No Longer Meets Eligibility Criteria

Membership will automatically end if a member does not continue to meet the membership eligibility criteria. A Council Officer will issue a letter confirming the termination of membership.

14. Termination of Membership – Behaviour and Conduct

All Forum members must act as exemplars for the licensed trade at all times in their professional and personal lives. If East Lothian Council receives any complaints or negative feedback regarding a member, these will be investigated and information/evidence may be requested from third parties to validate or disprove the allegations.

If Council Officers are of the view that there has been behaviour or actions that do not support the work of the Forum, or which brings the Forum into disrepute, they will decide on a course of action which could include termination of Forum membership. In the event of termination of membership, the Convener will be advised and a Council Officer will issue a letter stating that membership has been terminated due to a breach of the Terms and Conditions of membership.

There is no right of appeal against termination of membership in such circumstances.

15. Termination of Membership – Resignation

Members wishing to resign their membership, should do so in writing to the Convener and to licensing@eastlothian.gov.uk or in writing to Democratic and Licensing, East Lothian Council, John Muir House, Haddington, EH41 3HA, giving a minimum of four weeks' notice.

16. Reporting of Membership Changes

New member appointments, re-appointments, resignations and membership terminations will be reported to the next meeting of the Forum, for noting. The report will be prepared by a Council Officer. This will enable members to consider if they need to recruit new members and to check that the membership will not fall below the minimum of five.

Council Officers will advise the Convener about any membership changes as they occur.

C Quorum

1. The quorum for a meeting of the Forum is half of the number of members (rounded up), and no fewer than three.
2. No business will be carried out at a meeting unless a quorum of members is present.
3. If, fifteen minutes after the time a meeting is due to start, the quorum has not been met, the Convener will postpone the meeting until a date and time to be determined. The minutes of the meeting will record that no business was carried out due to the lack of a quorum.
4. If, after the meeting has started, the number of members falls below the quorum, the meeting will be adjourned and the minutes of the meeting will state the reason for the adjournment.
5. Decisions taken during any part of the meeting where there was a quorum present are valid.

D Apologies, Substitutes Declarations of Interest, and Voting

1. Members must submit apologies to meetings@eastlothian.gov.uk and the Convener as soon as possible prior to the meeting. Members submitting apologies are requested to provide a reason for non-attendance.
2. Members who have submitted apologies in advance of the meeting shall be entitled to nominate a substitute to attend any meeting of the Forum. Substitute members must satisfy the membership eligibility criteria. Substitute members will be identified at the beginning of any meeting and their attendance will be recorded in the minute of the meeting. Substitute members will have full voting rights.
3. Any Forum member who has an interest (financial and or non-financial) in any matter that is under consideration at a meeting will disclose their interest at the start of the meeting and may be excluded from the meeting for the debate and vote on that item.
4. All Forum members or their nominated substitute, who are present at a meeting, are entitled to vote. All items of business requiring a decision will be decided by a show of hands of a simple majority. The Convener has a casting vote and they may use this where there are an equal number of votes for and against any matter to be determined.

E Meetings

1. There is a statutory requirement that the Forum must hold at least four meetings in each calendar year. The meeting dates are to be scheduled in conjunction with East Lothian Council.
2. In advance of meetings, a Council Officer will contact members to seek agenda items. Contributions are encouraged from all members and may include allocating time to discuss the progress and work of the Forum. Members are permitted to raise matters under any other business.
3. The agenda and reports for each meeting will be issued to members by email and published on the Council's website in advance of the meeting, ideally 14 days before the meeting, and no less than 7 days before the meeting.
4. A special meeting of the Forum can be called in writing at any time by the Convener or by a majority of members. The request should be made to Council Officers at meetings@eastlothian.gov.uk who will determine the date of the meeting in conjunction with the Convener.
5. Meetings of the Forum must be held in public and are open to the press.
6. There is a statutory requirement for the Forum to hold a joint meeting with East Lothian Licensing Board at least once a year.
7. Meetings of the Forum are to be chaired by the Convener. If the Convener is not present, the meeting will be chaired by any other member present.
8. All members must behave respectfully at any meeting and should not behave in a manner that is improper or offensive, or disrupts the business of the meeting. The Convener may take appropriate action against any member disregarding the authority of the Convener, obstructing the meeting or being discourteous to members, Council Officers, and members of the public or press. Such action may include asking the member to refrain from speaking during the remainder of the matter under discussion, or adjourning the meeting for a period of time specified by the Convener.

F Reporting Arrangements

1. A Council Officer (or Officers) shall act as committee clerk to the Forum and shall be responsible for taking minutes of the meetings of the Forum.
2. Minutes shall be presented to the next meeting of the Forum for approval.

G Working Groups

1. The Forum will create Working Groups from within its own membership, as and when required, to support the work of the Forum and the licensed trade, and to initiate community consultations and respond to statutory consultations. There are no minimum or maximum numbers for a Working Group to be created or to be able to make decisions on behalf of the Forum. All members are expected to participate in Working Groups.

H Miscellaneous

1. The Council is legally obliged to provide the Forum with such staff, property and services as the Council considers are required for the Forum's purposes.
2. Alterations and updates to this Scheme of Administration are the responsibility of the Forum and can only be approved where at least two-thirds of the members present and entitled to vote agree to do so. The Scheme of Administration should be reviewed at least every two years. A copy of any updates to the Scheme of Administration is to be submitted by the Forum to East Lothian Council at meetings@eastlothian.gov.uk

Contact Details

- Democratic and Licensing, East Lothian Council, John Muir House Haddington, EH41 3HA
- Telephone: 01620 820623
- Email meetings@eastlothian.gov.uk