



MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM & LICENSING BOARD

**WEDNESDAY 26 FEBRUARY 2025, 10AM
HYBRID SYSTEM**

Forum Members Present:

Mr G Blaikie (Chair)
Mr S Baxter
Ms K Harling
PC S Gibson
Mr A Podder
Mr J Thayers
Ms K Burke

Licensing Board Members Present:

Councillor L Bruce
Councillor F Dugdale
Councillor N Gilbert
Councillor G McGuire

Council Officials Present:

Ms M Scott
Ms F Currie

Visitors Present:

N/A

Apologies:

Councillor C Cassini
Councillor J McMillan
Mr C Grilli

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

1. MINUTES OF THE MEETING OF THE EAST LOTHIAN LOCAL LICENSING FORUM HELD ON 22 MAY 2024 & MATTERS ARISING

The minute was agreed as an accurate recording of the meeting.
There were no matters arising.

2. POLICE REPORT (VERBAL)

PC Gibson gave an update on reported incidents since May 2024 which included 22 assaults, 26 disturbances, 1 drug related incident, 1 hate crime, 1 licensing issue and 91 incidents of shop lifting. He noted that most of the incidents took place within Musselburgh and Tranent. PC Gibson confirmed 108 inspections of licensed premises were carried out in the East Lothian area and he also made Members aware it was likely the proxy purchase scheme would pick up in Summer along with Bystander Training.

Mr Blaikie asked what percentage of these incidents took place in Musselburgh and Tranent and where any of them within licensed premises. PC Gibson confirmed over 50% of the incidents were from these two areas and more incidents were related to shop lifting.

Councillor Gilbert asked if PC Gibson was aware of measures put in place within Musselburgh and Tranent. PC Gibson explained larger supermarkets have procedures in place such as security guards, CCTV and electronic tags on alcohol. He added when stores make a report of theft then officers should also be providing crime prevention information to them.

Councillor Gilbert asked if the figures provided were for people who had been caught and how much of a loss were stores experiencing from the thefts. PC Gibson explained the figures provided were for reported thefts and not individuals who had been caught. He was not able to provide the figures of loss for specific stores.

3. CHIEF CONSTABLES REPORT 2023-24

All Members confirmed they had read the submitted report.

Ms Harling explained the report was presented at the November Licensing Board where the Board raised concerns of statistics within it and discussed if there was a different way for the report to be compiled. PC Gibson was not aware of any changes being made on how the report was compiled but there would be more collaboration with the licensing department to ensure recorded statistics were correct.

Mr Stuart Baxter asked for more information on the In keeper IT Solutions. PC Gibson explained this was a national application used to collate data and compile reports.

4. LICENSING STANDARDS OFFICER REPORT

Ms Harling spoke to her report and explained the following outcomes from the November 2024 and January 2025 Licensing Boards, noting there was no December 2024 Licensing Board due to the scheduled recess.

NOVEMBER

- Major Variation Application (East Lothian Co-operative Bowling Club) – application to remove club status to change to “open premises” license and appoint a premises manager. Granted by the Board.

- Major Variation Application (Premier Store, Haddington) – Application to increase off sales capacity. Several compliance issues raised by LSO at previous meeting which have been resolved to the satisfaction of the Board. This was granted.
- Extension of Provisional Premises License & Occasional License Application (57 Eskview Terrace, Musselburgh) – previous 6 month extension expired and further 6 months was granted. Review of occasional licenses in line with provisional premises license extension request. This was granted by the Board.
- Occasional License Application (Edinburgh Catering Company – Gilmerton House) – application for occasional licenses from catering company for use at Gilmerton House. Reviewed due to regular use and need for premises license. This was granted with the Board requesting that the premises submit a premises license application.
- Premises License Review – Non-payment of Annual Fees (The Stand, Musselburgh) – the premises license holder failed to pay the annual fee by the 1st October and has repeatedly done this for 10 years. Premises has not been in use since pre-2014, LSO raised the question has it ceased to be used for the sale of alcohol under section 28. Premises license holder could not be understood online and therefore the review was continued until January 2025 with premises license holder asked to attend in person.
- Premises License Review – Non-payment of Annual Fees (Shish Mahal, Musselburgh) – the premises license holder failed to pay the annual fee by 1st October and has repeatedly done this for 13 years. Premises license holder could not be understood online and therefore the review was continued until January 2025 with the premises license holder asked to attend in person.
- Presentation of Chief Constables Report 2023-24 – Presentation of the report by Sgt Stuart Miller. The Board Members questioned the accuracy of the report and why crimes that had been reported to the Board were not present in the report. Sgt Miller replied that they were not included as there no intent, but this was not accepted by the Board with the Convenor stating he would write to the Chief Constable and Justice Secretary about the standard of the report.

JANUARY

- Provisional Premises License Application (Greywalls Hotel, Gullane) – application to replace previously lost premises license. Some small changes to previous license as a refresh. This was granted by the Board.
- Provisional Premises License Application (Company Bakery, Musselburgh) – application for a bakery with a café for sales of alcohol at events. This was granted by the Board.
- Major Variation Application (La Dolce Vita, Haddington) – application to extend on sales times, and adapt license to fit a restaurant setting, along with a small change to the layout. This was granted by the Board.
- Major Variation Application (Ozy's Kitchen, Haddington) – application to add outside drinking for dining space on street outside premises. This was granted by the Board with conditions.
- Major Variation Application (Lifestyle Express) – application to increase capacity and alter layout plan. This was granted by the Board.
- Occasional license Applications (The Brunton Trust for Haddington Corn Exchange and Loretto Theatre) – application for multiple occasional license applications at both venues. Venues to replace the Brunton Theatre have been in operation for over 12 months. Information was presented to the Board that the Brunton Theatre have now secured funding to continue the lease at Haddington Corn Exchange for which it intends to apply for a premises licence. The Board agreed to grant occasional licenses used at Brunton Theatre venues for the next 12 months on delegated powers.

- Premises License Review – Non payment of Annual Fees (The Stand, Musselburgh) – this review was continued from November 2024. The premises license holder attended with an agent. Details of the premises and intentions for its use were discussed. The premises license holder assured the Board that works would be starting so that the premises could re-open. The Board agreed that the premises license should remain at this time however and requested an update on work done by September's Licensing Board. At this time, the Board would review the situation, a written warning was issued in relation to the late payment of annual fees.
- Premises License Review – Non payment of Annual Fees (Shish Mahal, Musselburgh) – this review was continued from November 2024. The premises license holder attended with an agent. The premises license holder's agent assured the Board that payment of annual fees would be made on time from now on. The Board issued a written warning to the premises license holder and stated that should the fee be made late again another review would be held.

Ms Harling reported there were 17 Provisional Licenses outstanding confirmation and provided an overview of 2024 including a yearly breakdown over the last three years.

Marketing the Forum

Ms Harling confirmed she continues to market the Forum, but this is an ongoing process. Mr Blaikie and Mr Podder are both required to renew their memberships by responding to Sheila Fitzpatrick's email.

Pre-inspection Letters

Ms Harling confirmed letters with information about the statement of licensing policy and helpful resources are being distributed to all licensed premises. Inspection will take place after all letters delivered.

Minimum Unit Pricing Update

Ms Harling reported on the 1st May 2024 the Minimum Unit Price for alcohol increased from 50p to 65p. Since this time checks have been done on a number premises which have been mostly compliant. Initial LSO's across the country were finding that larger chain supermarkets had not updated products correctly especially those where loyalty card schemes were active. Many smaller retailers having lower stock levels were able to change more easily. Guidance have been given in relation to any noncompliance.

Mr Baxter stated non-alcoholic beers follow the same restrictions as alcohol within supermarkets which he felt was counterproductive. Ms Harling explained restrictions put on no or low-alcohol items were determined by the supermarket and could be to avoid any confusion for staff when scanning the items.

Mr Thayers asked if the £10 fee for occasional licenses would increase as this was exceptionally low. Ms Harling confirmed information had been sent to the Scottish Government regarding this and explained another Council had completed work to show the processing of an occasional license costs them £68 to process so they are making a significant loss with every occasional license they process. She added that work has begun on setting up Regional LSO Groups and when these are established this could be something for them to take forward.

Mr Podder asked if presentation of ID was required when purchasing no or low-alcohol drinks as his premises now stocked a larger selection. Ms Harling confirmed that would be up to him, but ID is not technically required under the act.

5. SCOTTISH LICENSED TRADE ASSOCIATION SURVEY RESULTS

Results of the SLTA survey and report were circulated at the beginning of the meeting.

Mr Blaikie found it alarming that 6% of businesses were considering closing because of the challenges they face including being down at Christmas and being worried for the year ahead due to rates increasing.

Councillor Bruce asked if within the figures Mr Blaikie had, had he asked about the mental health of the people effected. Mr Blaikie stated the amount of people he has spoken with in the trade are drained and have said if they were offered a good price for their businesses would leave. Mr Blaikie agreed to reach out to Colin (Managing Director at SLTA) and copy in Councillor Bruce. He will also invite Colin to the next meeting of the Licensing Forum.

Councillor Bruce asked if Mr Blaikie or other Members of the Forum had any suggestions on what the Board could do to help them. Mr Blaikie thanked the Board for allowing him to open for the hours of the Superbowl as this is always a busy event for him. He added premises will have to start thinking outside the box to bring in new customers and suggested Councillor Bruce's question could be added to the next survey.

Councillor Gilbert asked if Mr Blaikie's premises sold takeaway food and did this sell more than people coming into the restaurant to eat. Mr Blaikie explained he signed up with JustEat before Christmas and it has made a small difference to his income, but JustEat take a percentage of all orders. He made the decision to take the hit on JustEat taking a percentage as they are fully insured and have an established website and to make up the cost he increased the price of his food online.

Mr Thayers stated there is now good evidence to show young people are drinking less and did Mr Blaikie see the change in demographic within his premises. Mr Blaikie said his premises has a wide range of ages attending and he still managed to draw in a younger crowd due to having Sky Sports available but due to the monthly payments of this drastically increasing he may have to cancel this subscription.

Councillor Dugdale asked if all premises promote 0% and low alcohol products. Mr Blaikie stated he knows of a lot of premises now selling no or low alcohol products and also noted the Six Nations is now sponsored by 0.0% Guinness. He added Guinness are now trailing having 0.0% on draught in London so it may become even more popular. Mr Baxter noted he drinks 0.0% Guinness which is served with a can and an empty glass which he feels is staff making it very obvious it is alcohol free, and he thinks improvements could be made in how non alcoholic products are served to customers

Mr Thayers asked if supermarkets had increased their stock of low and non-alcoholic the same way pubs have. Mr Blaikie did not have this information but agreed to try and find this information for the next meeting of the Forum. Mr Baxter noted Costco had started to sell 0% alcohol products and Councillor McGuire noted people looking for low alcohol options within Tesco in Haddington. Ms Harling added that most supermarkets and even small local shops have a section with low or non-alcohol products available.

6. FORUM TRAINING

Ms Harling explained possible funding may be given to the Forum to attend the training from Alcohol Focus Scotland as long as enough Members were willing to attend and remain Members of the Forum, so this information is retained. She confirmed the price of the training was for the whole Forum and not a per person cost. Ms Harling added the training

would help with formulating a yearly plan for the Forum. She will contact Irene from AFS for dates and venues for the training.

7. ANY OTHER BUSINESS

There was no other business raised.

FUTURE MEETING DATES

Future meeting invites will be sent out electronically.

- Wednesday 21st May 2025, 10am
- Wednesday 20th August 2025, 10am
- Wednesday 19th November 2025, 10am (Joint meeting with the Licensing Board)