

## East Lothian Local Licensing Forum

### Minutes of meeting held on 4<sup>th</sup> March 2009

**Members Present:** Derek Edmunds (Convener), David Baillie, Stuart Baxter, Alan Bellshaw, Andrew Blair, John Boyce, Liz Drummond, Rudi Fruzynski (Licensing Standards Officer) Allan Torrance.

**In Attendance:** David Barrie (ELTRP), Rhona Bell(The Food Hamper), Valerie Roebuck(mins).

**Apologies:** Cllr Innes, Mrs Cummings and Mrs McPhee Windsor Park Residents and Tenants Association, Ricky Ross.

#### **Item 1, Minutes of Meeting held 3<sup>rd</sup> December 2008**

- 1 A correction to "In Attendance", Rudi Fruzynski advised Derek Edmunds that he was in fact a member of the Forum. Derek apologised for this error.

**Approved as a correct record.**

#### **Item 2, Matters Arising:**

##### **Points below relate to matters arising section of minutes dated 3/12/08**

**4.4 Tables & Chairs.** No comments received in reply re tables & chairs. However, Andrew Blair was able to confirm premises have been asked to remove tables and chairs where they caused Health & Safety issues or blocked access.

**4.5 Equalities Impact Assessments.** Some requests have been refused, and have been addressed and modified. Alan Torrance asked if EIA reports are available, either in paper form or on the ELC website.

**Derek Edmunds to progress.**

**6 Presentations to Clubs prior to Licensing Applications.** Two presentations have taken place, with 36 clubs represented from a total of 60. Sixty people in total attended. Feedback from those who attended was positive, with lots of across the board requests for help. Many of the clubs are run by volunteers.

**6 Musselburgh & Inveresk Community Council.** Page 8 of the minutes showing "other factors" was forwarded to Mr MacConnachie for the Licensing Board's comments. Their meeting in January did not take place and the 26/2/09 meeting had 70 licensing applications to consider, and our issue may therefore not have been raised.

**Derek Edmunds to press for response.**

##### **Matters below relate to items in body of minutes dated 3/12/08**

#### **4 The Charging Structure of Off Licence Fees.**

Rhona Bell of The Food Hamper, Dunbar, attended the meeting to discuss this issue.

She had incurred costs of over £1100 including , architect, licence, and food hygiene course fees in connection with her licence application. This excluded staff costs/phone costs for the work required, and time needed to attend a hygiene course. The Licensing Board had to be attended twice, and alterations to architect drawings had to be made with seven copies of drawings having to be produced, each time they were amended.

As the Licence fee is based on rateable value, The Food Hamper pays the same fee as Victoria Wine even though it only has £1000 of alcohol stock.

Derek Edmunds confirmed the pricing ideas of the last meeting, and Ms Bell felt stock space might be most appropriate. Rudi Fruzynski confirmed this might be fairer but the format of the fees is set by Government,

with East Lothian Council charging 75% of the maximum allowed. The meeting agreed that the use of a banding system based on rateable value within the Council area was probably the best/fairest system. Rudi Fruzynski confirmed there are six categories of fees, an initial set up fee, and then an annual licence fee, which must be paid or it is a breach of the licence.

Andrew Blair pointed out there had been a set up fee for the previous system, and licensees are again paying a set up fee for the new system, together with an increase in the annual fee.

### **Item 3, Appointment of Convener & Secretary.**

This item was taken by Alan Torrance.

**Derek Edmunds** nominated as Convener by Andrew Blair seconded Liz Drummond. **Agreed Unanimously**  
**Valerie Roebuck** nominated as Secretary (subject to becoming a member of the LLF) by Andrew Blair, seconded Alan Torrance. **Agreed Unanimously**

### **Item 4, Multi-agency Training Session.**

Derek Edmunds and Rudi Fruzynski had attended.

DE comments: The session had been positive for meeting other Forum members. Some forums meet each month; some have budgets provided by the local authority. He had attended a session regarding the Work Progress Template, which showed the scope of each area, eg. too many late licences affects not just noise, but health, crime & disorder.

DE suggested that rather than discuss the work progress template at this meeting a separate meeting for approx 1hr should be held to discuss in detail. Stella will distribute possible dates to forum members. Agreed.

RF comments: The session felt that Local Licensing Forums should meet more than quarterly otherwise items are left dormant. LLF members should attend Licensing Board meetings to see how they operate. Discussions between the two should also take place regarding Board decisions. Licensing Boards should ask LLF to look at specific issues. LLF should break into smaller groups between meetings to take points forward. Conveners should meet to share information.

Between meetings there should be activity, using the assistance of other organisations and council departments. This may assist with preventing duplication of work by both the LLF and these other bodies regarding the five objectives. The LLF may be unaware of the overall picture if working in isolation.

The Scottish Govt report "A Framework for Action: Changing Scotland's Relationship with Alcohol" was discussed. Licensing Boards may include some of the items in the framework into next year's policy. LLF could only suggest individual changes for local areas rather than individual premises, eg no alcohol sold to under 21 from off licences.

Overall RF felt that a lot of the information could have been sent out in paper form and he had been disappointed in the day.

### **Item 5, Licensing Objectives- Tenants & Residents Association View**

This was the final stage of the consultation which had previously seen the Community Councils, and local Head boys & Head girls attend forum meetings.

David Barrie from ELTRP attended. The residents panel already works in parallel with other agencies, regarding roads, concerns re housing, fuel poverty and health strategies. There are concerns regarding underage drinking particularly in Tranent/Prestonpans/Elphinstone. These issues have been raised with community police/wardens. Unfortunately these meetings are not held on a regular basis. The Community Warden scheme has assisted in reducing groups of young people drinking in the streets.

A discussion within the meeting then took place. Stuart Baxter confirmed that the funding of two community policemen through the Prestonpans Initiative Team funding had made a large difference in the Longniddry area.

The drinking exclusion areas are not known to visitors to the area, however they allow the police to remove alcohol from those underage, whether they are seen drinking or not.

It was confirmed that the police attend some Community Council meetings to obtain feedback.

#### **Item 6 Test Purchasing.**

David Baillie reported that 15 premises had been tested and 1 had failed on the first visit. Failure rate is well below the average national rate. Dunbar is still being excluded, but will be included if action is not taken.

**Derek Edmunds to find out the current position.**

If premises fail on the first visit they are given a formal police warning and retested. If they fail again, the licence is suspended. New till systems are assisting with warnings for staff to check customer's ages. Trading Standards are used in some areas of the UK to assist police with test purchases, but are not licensed to provide this service in Scotland.

#### **Item 7, National Licensing Conference 2009**

This is to be held in Aviemore 9 & 10 September. Three places available for LLF members, at a cost of £450 each.

Rudi Fruzynski has previously attended and had gained most from networking opportunities. He will not be able to attend as LSO representative due to cost. David Baillie confirmed he will not be attending as a police member, again due to cost.

#### **Item 8, AOCB**

- Annual Licensing Board Conference 20/3/09 Derek Edmunds is to attend. Cost £115 +VAT. Conveners from LLFs and Licensing Boards attend.
- National Licensing Officer Project Report had been circulated. This had recommended LLF obtain community opinions, (this has been covered by invitations to tenants groups/schools/community councils). Suggestion was made by John Boyce to contact Caroline Davis at Community Development and Learning to encourage youth inclusion.  
In answer to a question about what responsibilities other than liquor licensing did Licensing officers have, Rudi Fruzynski stated that they also check that there is no smoking in licensed premises.
- Comment was made that it was a pity that conference costs were so high, many people are unable to attend, and information/assistance may be missed by those unable to attend.
- Can the Licensing Board be asked how they evaluate their actions on the five policies?

**Derek Edmunds to action.**

- David Baillie advised 230 requests for Licensed Premises had been received, 67 have not applied although it is known that 14 have closed.
- Expenses. If members wish to claim mileage they must include a petrol receipt to show VAT. Expenses forms were available for members.

Meeting closed at 8.30pm

The next meeting is on Wednesday 3 June at 7pm in the Council Chambers, Town House, Haddington