



**MINUTES OF THE JOINT MEETING OF THE EAST LOTHIAN
LICENSING BOARD AND LICENSING FORUM**

**WEDNESDAY 19 NOVEMBER 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING SYSTEM**

2

Forum Members Present:

Mr S Baxter
Ms K Harling
PC M Upton (R)
Mr J Thayers (R)
Ms K Burke (R)
(R) = remote participant

Licensing Board Members Present:

Councillor F Dugdale
Councillor G McGuire
Councillor J McMillan

Council Officials Present:

Ms B Crichton

Visitors Present:

Dr K Kasengele (R)

Apologies:

Mr A Podder
Councillor N Gilbert
Councillor C Cassini

Declarations of Interest:

None

In the absence of Graham Blaikie, the Chair of the Licensing Forum, Stuart Baxter and Kat Burke formally proposed and seconded, respectively, that Karen Harling, Licensing Standards Officer (LSO) act as Chair, and Forum members agreed to this temporary appointment.

The meeting also noted that PC Mikey Upton had replaced PC Stephen Gibson as police representative to the East Lothian Licensing Forum, and welcomed PC Upton to the meeting.

1. MINUTES FOR APPROVAL – EAST Lothian LICENSING FORUM, 20 AUGUST 2025 AND MATTERS ARISING

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

6. CHIEF CONSTABLE'S ANNUAL LICENSING REPORT 2024/25

PC Upton spoke to the Chief Constable's report. He discussed the division's policing priorities, his own working priorities, visits undertaken, and events supported. He explained that the monitoring of licensed premises fell to local police on Friday and Saturday nights. He advised that incidents were generally down in this reporting period compared to the previous year, and highlighted various figures contained within the report. He also advised that crimes of violence associated with licensed premises had increased from the previous year. He explained that the majority of incidents with an alcohol marker attached were common assaults, and the number of serious assaults with an alcohol marker had decreased from the previous year. He noted a significant increase in assaults on emergency workers associated with alcohol. He also noted one incident of selling alcohol without a licence, one incident of the purchase of alcohol by a child or young person, and two incidents of persons refusing to leave licensed premises.

PC Upton gave an account of proposed activities for the year ahead, where he would continue to work in conjunction with partner agencies and the LSO to provide guidance to all parties, and ensure licence holders and premises staff had a better understanding of their responsibilities and obligations. He noted that he had started in his role only six weeks previously, and in this time had sought to further develop partnerships and fulfil licensing objectives; he had also undertaken premises visits around once a week with the LSO. He reported that he checked each morning for any licensing incidents reported by colleagues overnight. He also kept local policing up to date of any premises requiring greater attention.

Ms Harling extended a warm welcome to PC Upton on behalf of the Licensing Forum. She reported that she had established a good relationship with PC Upton; they had undertaken licensed premises visits together, and the relationship between Police Scotland and the LSO had much improved after the concerns she raised at the previous Forum meeting.

PC Upton responded to a number of questions from Board and Forum members. He explained that assaults against police tended to be proven because two police officers would be present. Further breakdown as to officers of which emergency services had been assaulted was not available.

John Thayers highlighted that Midlothian & East Lothian Drugs and Alcohol Partnership (MELDAP) was keen to become aware of people whose conduct and alcohol use was problematic to be able to assist them into treatment. He asked whether breakdown in terms of gender, age group, and repeat offenders could also be provided. He sought to find ways to establish more effective linkages to target those who needed to access support. PC Upton indicated he would check what could be disclosed under GDPR, and agreed that he would catch up with Mr Thayers off table.

Councillor McMillan sought PC Upton's perspective as he began his new role. PC Upton discussed the core role as being to monitor premises on behalf of Police Scotland, and to intervene where necessary. He considered the approach in East Lothian to be proactive. He agreed that information sharing was important, as the LSO and Licensing Team brought various matters to the attention of Police Scotland, to which he would provide a proportionate response. He said that the LSO was knowledgeable and always willing to undertake joint

inspections, and he noted that the LSO held powers that the police did not have. He felt that the experience had been positive so far.

Decision

The East Lothian Licensing Forum and East Lothian Licensing Board agreed to note the Chief Constable's Annual Licensing Report 2024/25.

2. POLICE REPORT (VERBAL)

PC Upton had already covered the general police report as part of the discussion at Item 6.

Sederunt: PC Upton temporarily left the meeting.

3. LICENSING STANDARDS OFFICER'S REPORT

Ms Harling spoke to her report, and explained the outcomes from the August – October 2025 East Lothian Licensing Board meetings in detail. She drew attention to the solicitor representing the Herd Café at Balgone Estate questioning NHS Lothian's response in relation to overprovision, due to the locality around the café. She reported that Board members had asked the Clerk of the Board to write to NHS Lothian to request more specific reports. She also drew attention to an application for review of the premises licence for the Auld Hoose in North Berwick, made by residents. She reported that the Board declined to take the review forward, following a motion made by the solicitor that the application and processes had not been followed correctly.

Ms Harling advised of a recent increase in premises licence applications, and two premises had also confirmed their premises licences; there seemed to be movement in obtaining Section 50 certificates from Building Standards.

Ms Harling reported she was marketing the Forum to gain new members, although had not had much success, and hoped for assistance from PC Upton going forward. She also discussed partnership working with PC Upton and community officers in town centres, mostly giving guidance to off-sales premises and highlighting any training issues; she hoped this would continue in other towns in the coming months.

Ms Harling advised that the Licensing Forum training from Alcohol Focus Scotland was not available at this time, and she suggested that the Forum may need to consider other avenues to create its working plan and direction.

Ms Harling reported that she had undertaken seasonal capacity checks for off sales and minimum unit pricing, as it was common for retailers to extend alcohol displays outwith their allowed capacity, and advertise deals which were in breach of minimum unit pricing. She reported that all retailers visited on the previous day, other than one, had an issue of pricing or capacity; she would keep an eye on this in the run up to Christmas.

Responding to questions from Councillors McMillan and Dugdale, issues of capacity, minimum unit pricing, and the potential for increased thefts were discussed further. Ms Harling explained that issues sometimes arose when a central office in England produced deals which did not comply with minimum unit pricing in Scotland; thus, premises managers had to be wary of deals, and sometimes had to cover the original offers over. She had also found irresponsible drinks promotions. She noted that capacity was an ongoing piece of work, where alcohol was

sometimes found in the wrong aisle; alcohol being in the wrong place, when not properly visible to staff, could increase thefts of alcohol. She explained how enforcement was dealt with, which sometimes involved a timeframe to action matters and subsequent reinspection. Ms Harling said she would look into communications with off-sales premises on these matters.

Decision

The East Lothian Licensing Forum and East Lothian Licensing Board agreed to note the Licensing Standards Officer's Report.

4. NHS REPORT

Kat Burke provided the NHS report, and was accompanied by her colleague Kalonde Kasengele, a consultant in public health. Ms Burke advised that NHS Lothian was committed to reviewing its approach to making alcohol licensing representations; the review had now been completed, and NHS Lothian had outlined its revised position in a letter to Councillor Bruce as the Convener of the Licensing Board. She noted that the review had been planned anyway, and not been in direct response to queries and clarification sought by the Board. She explained that the review had concluded that the systematic approach taken to reviewing licensing applications, as making representations had not influenced the decisions made by the Board; it was therefore considered that continuing with this approach was not the most effective use of resources.

Ms Burke discussed alcohol's contribution to health inequalities in Scotland; data showed people consumed around 50% more alcohol than safe limits, with the greatest impact felt in more deprived communities. She explained that the systematic approach to making representations to licensing applications would cease, but NHS Lothian's commitment to the Forum and to working with the Board to address alcohol-related harm collaboratively would continue.

Ms Harling pointed out that the NHS was a statutory consultee in terms of licensing legislation. Ms Burke clarified the position that the NHS would not be making representations for individual applications. Dr Kasengele explained that most NHS boards were taking this position, because they sought to find more effective ways to have influence. He noted that there would always be an appetite for more specific information relating to individual premises, which could not be provided. All that could be provided was a systematic approach in terms of overprovision; therefore, a balance was sought in terms of where to use resources most effectively.

Responding to questions from Councillor McMillan, Ms Burke said the NHS wanted to consider how it could work more systematically, and work around prevention; however, feedback nationally had shown that NHS representations had not been effective. She suggested that NHS Lothian might direct its data and intelligence into work with the Forum to generate evidence with other partners; it was hoped that this might inform the Board more effectively. She was happy to discuss how colleagues felt the NHS could have a more effective role. Dr Kasengele added that the wider commercial determinants of health, which included alcohol and other health-harming aspects around it, were also being considered across NHS Lothian and nationally. He summarised that the NHS was looking to find the most effective way it would have an influence to improve the health of the population, but would still be available for input the Forum may require.

Councillor McMillan discussed some of the social issues raised at community council meetings, the need for strategy around these health and wellbeing issues, and how to detect

and prevent such issues. He was keen that PC Upton's initial impressions as a new Forum member should not be lost.

Mr Thayers expressed that the Forum had always had a good relationship with NHS Lothian, and NHS Lothian had great input in terms of delivering the Overprovision Strategy. He sympathised with NHS colleagues, as it was difficult to ascertain the impact of their hard work and investment of resources and skills. He pointed to there having been only one case nationally where their representation had led to refusal of a licence; he therefore agreed that redefining the approach was necessary, since the current approach was yet to see an impact on licensing policy in East Lothian and other areas.

Councillor Dugdale felt that the NHS representations had been the same for each application. She felt a more nuanced approach would be useful, but appreciated that this would be difficult to manage. She also thought that more granular data had been provided previously to indicate areas of high alcohol-related harm. She was keen that agencies worked together to help people access services more easily. Having previously worked in mental health, Councillor Dugdale highlighted that people often self-medicated with alcohol when suffering from mental health problems and unable to access the care they needed. She was interested to explore the difference the Board, Forum, and its partners could make to help people manage alcohol and avoid it becoming a problem in their lives.

Ms Burke said that NHS Lothian's data could still be brought to the Forum. She discussed the data considered by the Data Analysis and Intelligence Team, which flagged the areas in which NHS Lothian would object to applications.

Dr Kasengele and Mr Thayers discussed the difficulties in overprovision representations being taken into account; agents would argue that it could not be proven that their client's particular premises would lead to those issues. Mr Thayers pointed out that the discussion was not about any particular premises, but rather about access to alcohol. He pointed out that a large proportion of alcohol was purchased in supermarkets and consumed at home, and people could also have alcohol delivered. He argued that a better understanding of alcohol use across communities was needed, and which communities were most at harm. He felt that the submitted overprovision statement had a strong case for areas of high harm and crime; he felt this had had no impact, despite having taken a great deal of work. He supported a different approach being taken.

Councillor Dugdale noted that there seemed to have been a drop in alcohol consumption in younger people, and noted that drinking problems may sit with an older generation. She discussed the slow damage to health caused by alcohol and the need to raise awareness of this. Ms Burke agreed that data did show that the pattern of drinking might be changing demographic, and could bring this information to a future meeting of the Forum.

Sederunt: PC Upton re-joined the meeting.

There was further discussion between Dr Kasengele and Councillor McMillan about the changing demographic of alcohol consumption; Dr Kasengele noted that stereotypes remained about underage drinking and antisocial behaviour, whereas the conversation may need to refocus on overconsumption at home. Councillor McMillan discussed the culture around drinking alcohol, and compared to France, where there was a great deal of access to alcohol, but people were less likely to be seen drunk. He suggested that a focus group relating to responsible drinking and responsible sales may be of use.

Councillor McMillan also raised the issue of the FIFA World Cup event in Los Angeles, and the time difference meaning that applications would be received to sell alcohol at unsociable

hours; he alluded that perhaps attitudes towards having alcohol at any big event may have to change.

Ms Harling commented that one of the remit and powers of the Licensing Forum was to identify key issues affecting licensing in East Lothian and provide advice and recommendations on how to address these; she suggested that this discussion may be an opportunity for the Forum to consider how it might do this, and produce a working plan for a future meeting. She suggested that this may consist of an annual or biannual report, sent to Licensing Board members. She also noted that Forum members would be consulted when the Statement of Licensing Policy was under review; she suggested that this be addressed earlier prior to the next policy review. It was agreed that this working plan and timescales would be an agenda item at the February Forum meeting.

Decision

The East Lothian Licensing Forum and East Lothian Licensing Board agreed to note the NHS Report.

5. REVIEW OF SCHEME OF ADMINISTRATION

Ms Harling introduced the item, and pointed out that the Licensing Forum's Scheme of Administration was required to be reviewed every two years. She invited comments from members.

Ms Harling highlighted comments received from Stuart Baxter about a contradiction at Section B2, Membership and Eligibility Criteria; Mr Baxter had pointed out that the current wording potentially excluded East Lothian residents. Ms Harling had checked the legislation, and could not see that people had to be employed by, or be a formal representative of, one of the listed groups. Ms Harling offered to consider the rewording of this section, and would bring it forward for approval at the February Forum meeting.

Ms Harling noted that the Forum should be a platform for supplying the Licensing Board with information to inform their decision making, to ensure members were aware of what was going on in the locality. She thought that further recruitment to the Forum would represent wider interests. She suggested that an event could be held to invite people to ask questions, with the Council's social media used to facilitate this.

Mr Baxter added that there had been young people on the Forum when he first joined. He also noted that the Edinburgh Licensing Forum had specific places allocated for residents.

Ms Harling noted that there was a great deal of Forum administration that had to be caught up on. A working plan to address the Forum's function should also be produced, which could be addressed at the following meeting. She expressed that the Forum sometimes went astray; and although interesting issues were discussed, these were not always passed on, and an opportunity to have a direct influence was missed. She hoped, when there was real willingness from Forum members and partner agencies to contribute, that a report could be produced to provide Board members with a bigger picture to aid their decision making.

Mr Baxter added that the Edinburgh Licensing Forum looked at local profiles in various areas to ascertain how licensing would impact on those statistics. Ms Harling felt that having access to local profiles for East Lothian would be helpful in producing a working plan for the Forum, and Mr Baxter would signpost these to the LSO for possible circulation to other Forum members.

Councillor McMillan discussed the importance of local profiles and understanding alcohol use in communities, and suggested use of Scottish Index of Multiple Deprivation (SIMD) statistics may also come into this. He supported an event being held, and thought it would be useful to clarify objectives for such a meeting. He also agreed that it was important that the Board heard about the outcome, and that resources should be committed to taking a different approach.

Ms Harling reiterated that the working plan would be marked as an agenda item for the following Forum meeting, and suggested that the joint meeting between the Forum and the Board may be the best time to pull together a more formal report for discussion.

7. ANY OTHER BUSINESS

Mr Thayers suggested that a report on alcohol harms, including alcohol-specific deaths figures, should be presented to the joint meeting of the Licensing Forum and Licensing Board in future. Ms Harling suggested that this would contribute to annual work towards the Forum's representation to the Board's review of its Statement of Licensing Policy. Councillor McMillan welcomed this proposal.

Ms Harling extended her sincere condolences to the Chair, Graham Blaikie, following a family bereavement.

Ms Harling also noted that, as the role of the Chair was required to be elected every year, and this had not been done in some time, notes of interest would be taken for Forum Chair. These should be emailed to the committee clerk, and the Chair would be appointed at the February Forum meeting.

Councillor McMillan extended his sympathies to Mr Blaikie and his family, and thanked him for his work as Chair of the Forum.

Mr Baxter added that, as part of the redraft of the Haddington and Lammermuir Area Plan, it had become clear that Haddington South had a significantly higher rate of alcohol-related hospital admissions than Haddington Rural, Haddington North, and the Scottish average. He advised that Local Area Partnerships would try to use budgets to improve these statistics.

FUTURE MEETING DATES

Future meeting invites will be sent out electronically.

- Wednesday 18 February 2026, 10am
- Wednesday 20 May 2026, 10am
- Wednesday 19 August 2026, 10am
- Wednesday 18 November 2026, 10am (joint meeting with Licensing Board)
- Wednesday 20 February 2027, 10am
- Wednesday 16 June 2027, 10am

LSO – Licensing Forum Notes November 2025 – January 2026

Board Meetings

As Licensing Standards Officer, I have been involved in the following applications etc., as presented at the Licensing Board:

○ **November Licensing Board 2025**

- **Major Variation Application – Board Game Bistro**

Major variation application to tidy up premises licence to reflect new business operating within. Gaming added as an activity to reflect that the premises is now board game café. Granted by the Board.

- **Provisional Premises Licence – Bella Italia, North Berwick**

Application for a provisional premises licence for restaurant in the centre of North Berwick. It was established that the premises licence holder had died in 2022 and at that time the premises licence had not been transferred within 28 days and so ceased to take effect. Premises continued to trade until August 2025. Occasional licences granted by the board in September. The provisional premises licence was granted by the Board.

- **Provisional Premises Licence – 140 High Street, Musselburgh**

Application for a provisional premises licence for a convenience store in the centre of Musselburgh. The premises was previously a bank. The board considered the number of surrounding premises detailed by the LSO, as well as seven objections from surrounding shops/services and a local councillor on behalf of a number of constituents. The board granted the provisional licence with a condition in relation to deliveries.

- **Premises Licence Review Application – the Anchor Bar, Musselburgh**

Following application by Police Scotland, PC Michael Upton a premises licence review was held. PC Upton began by stating that two assaults, a serious assault and a minor assault to injury, were reported. He advised the suspect for the serious assault was a 17-year-old male who had thrown a pint glass at another customer and that CCTV had shown a high level of violence. Due to the age of the suspect, PC Upton had inspected the premises and a report has been submitted to the Procurator Fiscal. The staff and premises manager have been formally cautioned and charged. He concluded by saying that he had been unable to contact the premises licence holder and staff member to inform them that a report has been submitted to the Procurator Fiscal. The LSO, following a compliance visit, noted only minor issues with signage and the need to implement a written age verification policy. The representing solicitor highlighted concerns that police had not followed proper process and not engaged with the premises as part of a formal intervention. He defended the position, stating that all staff involved were personal licence holders, and any charges should be dealt with in a criminal court. The premises licence holder and staff disputed the charges and maintained they followed correct procedures, including calling police. The Board asked questions of all parties and discussed the review privately. A formal written warning was issued to the premises licence holder.

- **December Recess – No Licensing Board**

- **January Licensing Board 2026**

- **Major Variation Application – Day Today, Haddington**

Application to alter the layout of the premises and alter the display capacity. LSO report detailed concerns that the accessible display was not within one single area, and in breach of a premises licence mandatory conditions. The applicant’s agent accepted this and asked the Board to agree the capacity; work would be completed with the LSO to find an acceptable single area, and the acceptance of the layout plan could be delegated. The Board agreed and granted the application.

- **Major Variation Application – Longniddry Inn, Longniddry**

Application to add theatre as an activity to facilitate productions by a local drama group. Granted by the Board.

Provisional Licences Outstanding Confirmation

Provisional Grant Date	Premises	Comments re Section 50 Certs.	Confirmed
31/03/2022	Broxmouth Courtyard	Ongoing work	Expires Mar 2026
25/08/2022	The Mart, East Linton	Ongoing work	Expires Aug 2026
30/03/2023	Buck and Birch	Will surrender	Expires Mar 2027
28/09/2023	Carfrae Farm shop	Ongoing work on section 50	Expires Sep 2027
23/11/2023	Garden City, Longniddry	Not selling alcohol	Expires Nov 2027
23/11/2023	The Tiffin Box, North Berwick	Not selling alcohol	Expires Nov 2027
25/04/2024	One Stop, Tranent	No update	Expires Apr 2028
23/05/2024	Tesco Express, Wallyford	Not selling alcohol	Expires May 2028
29/08/2024	Papple Steading	Confirmed	January 2026
29/08/2024	Costcutter, Tranent	No update	Expires Aug 2028
27/02/2025	Yarrow Cookery School	No update	Expires Feb 2029
24/04/2025	La Trattoria	Recently granted	Expires Apr 2029
22/05/2025	Gilmerton House	Recently granted	Expires May 2029
22/05/2025	Premier Gifford	Recently granted	Expires May 2029
22/05/2025	Margiotta, Longniddry	Recently granted	Expires May 2029
25/09/2025	Herd Café	Recently granted	Expires Sep 2029
25/09/2025	92 North High Street, Musselburgh	Recently granted	Expires Sep 2029
31/10/2025	Sweet and Smoky	Recently granted	Expires Oct 2029
27/11/2025	140 High Street, Musselburgh	Recently granted	Expires Nov 2029
27/11/2025	Bella Italia	Recently granted	Expires Nov 2029
Confirmation	Outstanding	18	

Two premises have confirmed their provisional premises licence to operate on a full premises licence.

Marketing the Forum


The LSO has been promoting the Forum whilst on visits.

Karen Harling

Licensing Standards Officer

LSO@eastlothian.gov.uk

Summary of proposed changes to Scheme of Administration for approval by Licensing Forum

	Current document	Proposed changes
Removal of banner	Inclusion of previously used banner: 	Removal of banner to bring the Scheme of Administration in line with the current format of Forum agendas and minutes.
Change of wording at B2	Forum members must meet the following eligibility criteria: <ul style="list-style-type: none"> • Aged 16 years or older • Able to demonstrate an interest in the alcohol licensing system • East Lothian resident <p>They must also be currently employed in, or be a formal representative of, one of the following groups:</p> <ul style="list-style-type: none"> • 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 <p>Membership of the Forum will cease for any member who no longer meets the eligibility criteria.</p>	In appointing members of a Forum, the Council must seek to ensure so far as possible that the membership of the Forum is representative of the interests of persons, or descriptions of persons, who have an interest which is relevant to the Forum's general functions.
Change of wording at B4	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.	There is a statutory requirement that East Lothian Council's Licensing Standards Officer (the LSO) and a person nominated from the health board for the Forum's area are members. The LSO is a permanent member of the Forum and does not require to complete an application form.
Changes of contact details	Contact details of previous clerking support	Contact details of current clerking support

EAST LoTHIAN LOCAL LICENSING FORUM

SCHEME OF ADMINISTRATION

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.
 - In appointing members of a Forum, the Council must seek to ensure so far as possible that the membership of the Forum is representative of the interests of persons, or descriptions of persons, who have an interest which is relevant to the Forum's general functions.

Those persons include —

- (a) holders of premises licences and personal licences,
- (b) the chief constable,
- (c) persons having functions relating to health, education, or social work,
- (d) young people aged 16 -17, resident in East Lothian
- (e) persons over 18 resident within the Forum's 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) and a person nominated from the health board for the Forum's area are members. 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 www.eastlothianlicensingforum.co.uk

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 meetings@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 in 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 827249
- Email meetings@eastlothian.gov.uk

Board Members have requested feedback from the trade/Licensing Forum on the following matters:

8

1. Opening of licensed premises across festive period
2. Opening of licensed premises for the NFL Super Bowl
3. Antisocial behaviour issues
4. The current business climate