



**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**

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**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 CONSABLE’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