



**MINUTES OF THE MEETING OF
EAST LOTHIAN LICENSING BOARD and EAST LOTHIAN
LICENSING FORUM
WEDNESDAY 22 NOVEMBER 2023
MERCAT GRILL, WHITECRAIG**

Board Members Present:

Councillor L Bruce (Chair)
Councillor C Cassini
Councillor N Gilbert
Councillor G McGuire
Councillor J McMillan

Clerk of the Licensing Board

Mr C Grilli, Service Manager – Governance

Forum Members Present:

Ms K Harling, Licensing Standards Officer
PC L Wilson, Police Scotland
Ms C Glen, Strategic Programme Manager - NHS
Mr G Blaikie (Chair)

Other:

Ms F Ogilvie, Consultant in Public Health – NHS
Ms L Chant, Population Health Project Manager (observing)
Ms B Crichton, Committees Officer (observing)

Committee Clerk:

Ms M Scott, Committees Officer

Apologies:

Councillor F Dugdale
Mr A Podder
Mr S Baxter
Mr J Thayers

Declarations of Interest:

None

1. POLICE SCOTLAND: EAST LOTHIAN LICENSING REPORT 2022-2023

PC Lee Wilson introduced himself to Members as the new East Lothian Liquor & Civic Licensing Officer and explained as he was fairly new to the role he was happy to take guidance and suggestions from Members on what information they would like brought to Forum and joint Board meetings. Since the last meeting of the Forum PC Wilson reported there had been a total of 69 incidents consisting of 6 assaults, 11 disturbances, 7 failure to leave, 43 theft or attempted theft of alcohol and 2 noise complaints. PC Wilson noted the theft numbers had risen and although most of these incidents were from off licenses some pubs had also been targeted. The rise in numbers is thought to be down to the cost of living crisis as well as addiction, mental health issues and the police service being stretched. PC Wilson reported he had completed 21 premise inspections with Karen Harling, Licensing Standards Officer which were selected due to being identified by the Police, Council or the public as being in a problem area. Going forward PC Wilson will be advising premises to have locks on their cellar and store room areas to prevent theft.

PC Wilson answered questions from Members. He gave information on how officers track repeat offenders using the VPD system which allows them to see if offenders require referral to services for support and advised if shop owners are having issues with theft this should be reported to the Police that way more checks can be carried out and a Police presence can be made available.

PC Wilson showed examples of fake identification being used by youths and explained the responsibility on license holders to check identification. He noted some fakes are very convincing and young people will often also have a back up ID such as a bank card with the same name so as long as premises are doing the best they can any issues raised arounds selling to underage individuals would be dealt with on a case by case basis. Councillor McMillan asked if there was anything that could be done in the lead up to the festive period to promote the checking of ID's of under 25 year olds. Ms Harling was happy to add a section to the Forum website to promote this and also talk to license holders. Councillor McMillan also suggested a social media campaign may be helpful.

PC Wilson highlighted the increase in use of cocaine in pubs which is difficult for license holders to manage and keep on top of. Cocaine wipes are available to rub on surfaces which will turn bright blue if cocaine has been on the surface. Ms Harling explained the use these had been suggested for venues with a bookable function hall therefore the customer could be challenged.

Councillor Bruce asked if premises owners should report incidents of drug use to the police. PC Wilson explained taking a drug is not a crime but possession if it so it is still useful for the police to be aware of. He suggested this could be done via email to save premise owners time but it is completely their choice if they wish to report this or not. He added that a lot of premises do have signs up regarding drug use and confirmed the police run campaigns about drug and alcohol use, especially over the festive period. Ms Harling made Members aware the Forum website also offers posters which businesses can print off and PC Wilson stated the cells within St Leonards Police Station have posters up with information on services to help with addiction.

PC Wilson continued to answer questions from Members. He made them aware that most premises do report theft now as previously they used to just write off the stolen stock as a loss. As more premises are reporting thefts the numbers have increased

significantly; for 2022/23 there were 69 thefts and between April 2023 and September 2023 there had been 90 reported.

2. LICENSING STANDARDS OFFICER REPORT

Ms Karen Harling, Licensing Standards Officer spoke to her report updating Members on all applications presented to the August, September, and October Licensing Board meetings. She gave an overview for 2023 of all premise and provisional licenses, major and minor variations, premises and personal reviews, premises surrendered, premises and personal licenses revoked, occasional applications and extensions, transfers and complaints.

Ms Harling answered questions from Members regarding specific applications to the Licensing Board noted in the report. She explained that occasional licenses continue to be discouraged as the majority of businesses should not be operating under these as they are not under construction. Ms Harling added that occasional licenses only cost £10 and are far more work for the licensing team but the Scottish Government is currently reviewing this and it may make a difference if the price was to change. Carlo Grilli, Clerk to the Licensing Board said he and Ms Harling continue to push the building standards team to encourage people down the correct route of a premise license instead of an occasional.

In response to a question from Councillor Bruce, Ms Harling explained there was nothing in the previous policy which said a premises operating on a provisional license needed to give updates within the allocated four years however the new policy states the Board would like an update after 12 months. Councillor Bruce suggested that all provisional license holders could be written to advising this change was coming as a push for them to get their premise license. Mr Grilli confirmed the new rule would be implemented from the date the new policy was introduced as otherwise there would be too many to review at the November Board meeting.

Ms Harling said she will continue to the market forum in the hope to gain new Members, especially more from the trade. She also made Members aware that the festive hours for premises opening until 2am will be a 5 day period and this is a blanket rule across East Lothian. Ms Harling explained she and PC Wilson had been working together to visit premises but this was mostly in reaction to complaints but they are working towards more routine visits in the run up to Christmas.

Councillor McMillan requested that efforts are made to try and host the Forum meetings in different town as a way to invite and encourage more license holders to attend. All Members were happy with this and the clerk would look into other venues for future meetings.

3. PUBLIC HEALTH PERSPECTIVE: NHS Lothian KEY MESSAGES

Flora Ogilvie, Consultant in Public Health presented her report on the NHS Lothian Public Health – Key Messages to Members.

Ms Ogilvie and Claire Glen, Strategic Programme Manager – NHS answered questions from Members on the presentation. Ms Ogilvie stated that areas with higher availability to purchasing alcohol have a higher consumption rate therefore if there is a concentration of stores there will be more alcohol related harm in these areas. Ms Ogilvie made Members aware she personally would not grant an application for alcohol

to be served at a children's gala day as there is no benefit to that event serving alcohol and it sets a precedence that alcohol is required to bring a community together. Ms Glen reminded Members of the Musselburgh Harbour event where no alcohol was sold and instead participants were encouraged to visit local pubs which worked well. Ms Harling explained Ormiston was the first gala day to submit their application and this was rejected which seemed to set a precedence for others for people not applying for a license to sell alcohol at their event. She noted Aberlady gala day did sell alcohol but this due to a bylaw. Councillor McMillan and Ms Harling noted the positives of the Goat Fest at Haddington Rugby Club.

Councillor McMillan stated from his work with Knox Academy he found young people were not drinking as much as they previously did so it seemed like the key messages were getting through. Ms Ogilvie hoped this was the case but unfortunately a lot of young people are likely to follow what their families do. Ms Glen added highlighted that deprived areas have much higher numbers of young people consuming alcohol which can be from what they see at home and in their local community, whereas young people from less deprived areas are more likely to be in clubs and not consuming alcohol.

Ms Ogilvie asked if Members look at where a community can already purchase alcohol in their area before deciding if another one is required. Mr Grilli explained the over provision policy pre 2017 faced a lot of challenges and the representation from the NHS dropped off after a change of staff. He added if the Board are not getting representation on a regular basis then they struggle and this would need to be received on a case by case basis to put to the applicant as part of their decision. Councillor Bruce stated the policy was changed and now when an application is received Ms Harling will note any other on or off sales within 800m of the applicant. He stated he has a concern that applications could end up in court and be overturned.

Councillor McGuire stated off licenses used to be a stand alone whereas now local shops wish to add sale of alcohol to their license as a way to make profit. Councillor Bruce stated although economic growth is not a reason to grant a license, if a small village shop would close as they need to make more money that does cause difficulty. Mr Grilli stated Members would have to look at the geographical build of an area as in Haddington only the houses near the retail park would use those shops and houses further into Haddington would use local shops in the centre. Ms Ogilvie asked what evidence by a local store to say they would close if they were unable to sell alcohol as without this it shouldn't be enough reason to grant it.

In response to a question from Ms Glen, Councillor Bruce stated he would consider the NHS response to an application very highly but as this would be done on a case by case basis he could not say for certain if the provided information would determine the outcome of the application.

Mr Graham Blaikie, Chair of the Licensing Forum reported that 80% of alcohol sales are now from off licenses which is taking away the regulations around alcohol. Ms Ogilvie highlighted the issue with the advertising industry constantly presenting alcohol as a way to have a good time. PC Wilson stated from a police perspective most alcohol related incidents over the weekend now are within homes whereas this used to be outside pubs and in streets.

Members discussed the rise of the minimum unit pricing and Ms Ogilvie reported that the previous rise in pricing had a significant impact on health and hospital admissions.

4. NEW STATEMENT OF LICENSING POLICY

Councillor Bruce thanked the Forum for their response to the New Statement of Licensing Policy and provided this response via email prior to the meeting. Mr Grilli added that nothing was received from the public during the consultation for the new policy.

Ms Glen asked if how consultations were carried out could be reviewed to try and get more feedback from the public. Ms Harling said she had written to schools but there was no take up due to it being close to exams but unfortunately there was no alternative time available.

Councillor Bruce stated the Board is limited to what it can do regarding the delivery of alcohol especially when it can be ordered so easily online. Ms Harling explained the premise of the Snappy Shopper app which allows customers to type in their postcode and select somewhere to deliver alcohol to them at home. The delivery driver for the app is asked to see valid ID and enter the date of birth before handing over the purchase but it is unknown if they would follow the same rules as a pub, i.e. not handing over the alcohol if the buyer already seemed like they had consumed too much.

Mr Grilli stated deliveries were made allowed during covid to help businesses stay afloat and now it is hard to pull back on this.

Ms Glen said after reading the new policy she felt the health information was under the wrong section and wondered if this could be changed even though the consultation period was over. Mr Grilli stated as it was not a change to the information but just a change to the location of it within the policy then this could be taken to the Licensing Board for discussion and decision. Councillor Bruce would also like the policy to be reviewed more regularly.

Action:

Councillor Bruce to try and engage the Scottish Government on the rules around deliveries of alcohol and speak with other local authorities about how they handle this.

5. DRAFT WORK PLAN 2023/24

A draft work plan for 2023/24 was submitted for Members. It was explained this is for any items Members wish to be discussed to be added.

6. FUTURE MEETING DATES

The below dates were confirmed by Members:

21 February 2024

22 May 2024

21 August 2024

20 November 2024 (joint with Licensing Board)

It was agreed alternative venues would be looked at for future meetings. The clerk will book the Council Chamber for the February meeting of the Forum.

7. ANY OTHER BUSINESS

Ms Glen is leaving her current post but another NHS representative will be allocated to the Forum and the Board.