



**MINUTES OF THE MEETING OF THE  
EAST LoTHIAN LOCAL LICENSING FORUM (INCORPORATING  
JOINT MEETING WITH THE LICENSING BOARD)**

**TUESDAY 5<sup>TH</sup> MARCH 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Forum Members Present:**

Bernard Harkins  
Heather Bowsher  
Dave Dickson (Chair)  
Simon Broadhurst  
Richard Foley  
David Forrest  
Rudi Fruzynski  
Pat Hanson (Secretary)  
Richard Ross  
Jim Goodfellow

**Council Officials Present:**

Kirstie MacNeill

**Visitors Present:**

George Hood (RASP)

**Apologies:**

Stuart Baxter  
John Boyce  
Bill Duncan  
All members of the Licensing Board apart from Jim Goodfellow

*Simon Broadbent was welcomed to his first meeting.  
Kirstie MacNeill, Clerk to the Licensing Board, was  
welcomed to the meeting*

## 1. JOINT DISCUSSION WITH THE LICENSING BOARD

i Meeting Arrangements Jim Goodfellow apologised for the fact that the other Licensing Board members could not attend due to various commitments. He suggested that a date for a similar meeting in 2014 be fixed three to six months in advance.

### Decision

The Secretary would ensure that suitable liaison with the Licensing Board be carried out well in advance of the 2014 joint meeting.

ii Review of Licensing Policy Kirstie MacNeill reported that October 2013 was the target date for completion. A draft amended policy would be agreed by the Board and then put out for consultation, although there was no firm timescale for the process. Kirstie also mentioned some of the possible changes that would be examined. Forum members welcomed that chance to get involved with the consultation process.

iii Scottish Government Consultation on Licensing Reform Kirstie MacNeill reported that the Board had submitted a response. Matters covered included 'Brightcrew', review hearings and training for new Board members. Forum members confirmed that they would be discussing their own response, if any, later in the meeting.

iv The Licensing Board's Equalities Statement Kirstie MacNeill said that the Licensing Board was separate from East Lothian Council and therefore had to produce its own Equalities statement. This would be sent out for consultation, with responses required by the end of April 2013. The Board also required a Public Records Management Plan and on this occasion could piggyback the Council one.

v Future Liaison with the Forum and other matters Kirstie MacNeill reported that the Board also had a draft statement of principles on gambling licensing out for consultation. The Secretary noted that the Forum only dealt with liquor licensing issues and would therefore be unlikely to respond. Other current issues included a Government review of licensing fees, which would require the submission of statistical information; and the further extension of the list of acceptable IDs for proof of age – to include EU ID cards, military IDs etc. In reply to questions Kirstie confirmed that the cost of Occasional Licences would also be covered by the review. In conclusion, Kirstie and Jim Goodfellow confirmed that the Licensing Board would keep in close contact with the Forum during the course of the year. Both were thanked for their valuable contribution to the joint session.

## 2. ANNUAL ELECTIONS

The Secretary apologised for the fact that this item, required under the Constitution, had been omitted from the Agenda. He also confirmed that, while he had retired from the licensed trade recently, he had been informed by Council officials that he was still eligible to retain Forum membership as a personal licence holder and member of the community. Noted. The election of Forum officers followed.

### Decision

Dave Dickson was nominated and seconded as Convenor and Chair of the Forum and duly elected. Pat Hanson was nominated and seconded as Secretary of the Forum and duly elected.

### **3. MINUTES OF THE MEETING HELD ON 5<sup>TH</sup> DECEMBER 2012**

It was noted that John Boyce had pointed out that the £26 million cost of alcohol in East Lothian (Minute 3) not only needed to be reduced, as minuted, but was a substantial underestimate because of other unmeasured factors.

#### **Decision**

Subject to the above clarification the minutes were agreed as a correct record.

### **4. MATTERS ARISING FROM THE MINUTES**

i Finding new Forum Members The Secretary reported that, while there was no money in the ELC budget for press advertising, updated copies of Forum recruitment flyers had been provided in bulk by Fiona Currie. These were tabled for members to take away and distribute locally. Kirstie MacNeill had also agreed to take a copy for incorporating in edited form in the next 'East Lothian Living' paper.

ii Questions regarding rating and 'open licence' premises The Secretary tabled a reply he had received from the ELC Rating Department to the forum's questions. It seemed that the matter was under active review. Rudi Fruzynski pointed out that the Scottish Government's current proposals included issues relating to members' clubs. There was further discussion about related matters, including clubs' charitable status.

iii Review of the Licensing Board's Statement of Licensing Policy Forum members noted that this had been largely covered in the preceding joint session. The Secretary said that he hoped that the Board's timescale would fit in with the Forum's June meeting.

### **5. PERSONAL LICENCE HOLDER REFRESHER TRAINING**

The Chair reported on the launch of 'Refresher Training' by People 1<sup>st</sup> at QMU the day before the Forum meeting. He commented that the facilities had been surprisingly poor and that it had been difficult to hear some speakers and discussants. He reported on some key issues that had been identified eg that the SQA would have to ensure that trainers were properly accredited; that participants in the refresher training would have to provide photo ID; and that the training itself would only be of three hours' duration, with a 40-minute multiple-choice test.

Members discussed the report and other papers on refresher training that had been circulated prior to the meeting, as well as considering the issue of the relevant training deadlines. It was clarified that for all those that had taking training in the period March 2008 to September 2009 the effective date for the confirmation of successful refresher training would be 1<sup>st</sup> December 2014.

Ricky Ross said that the cost of personal licence training and retraining could be substantial. His local Pubwatch scheme had looked at ways to minimise such costs through a collective approach.

Members also raised the issue of reminders for existing personal licence holders. Rudi Fruzynski confirmed that Kirstie MacNeill would be writing to all East Lothian personal

licence holders on this matter. Existing personal licence holders would also be reminded through the trade press, professional bodies etc. It was noted that there was a risk of a big rush for refresher training later in 2014 and that the Licensing Board and that the Licensing Board would have to have a definitive list of those completing such training by January 2015. It was suggested that the Forum could also provide a role in sourcing collective refresher training e.g. by arranging a deal for East Lothian personal licence holders.

### **Decision**

It was agreed that it would be a good idea for the Forum to explore, with one or more approved refresher training providers, the possibility of arranging a financially advantageous deal for East Lothian personal licence holders' refresher training. The Secretary would explore this once it was clear who such accredited local providers were.

## **6. SCOTTISH GOVERNMENT CONSULTATION PAPER ON LICENSING REFORM**

The Secretary introduced this item and the associated paperwork that had been circulated prior to the meeting. He pointed out some of the main areas in which the Scottish Government's paper was seeking to tighten up the legislation e.g. by requiring Licensing Boards to actively *promote* the five licensing objectives. He also suggested that the consultation paper had failed to address licensing issues of importance to the trade e.g. in relation to the transfer of licences and also issues relating to provisional licences. The Secretary also confirmed that he had been sent a copy of a response to the consultation by the Nungate Tenants and Residents Association for information.

Simon Broadhurst drew attention to the consultation paper's references to overprovision, and in particular that the relevant locality could be the entire Board area. He felt that this was wrong and that, especially in an area like East Lothian, more local areas should be considered. Jim Goodfellow, Richard Foley and Ricky Ross also commented on overprovision issues and the balance of emphasis on on-sales and off-sales of alcohol.

### **Decision**

It was agreed that the Secretary should send a brief response to the consultation on behalf of the Forum, suggesting that some sort of higher level guidance was needed on overprovision issues. The Forum would also comment on the need to look more closely at off-sales (particularly in this respect), as well as the points raised by the Secretary about the lost opportunity to address some licensing matters of importance to the retail trade.

## **7. ALCOHOL FOCUS SCOTLAND NEWSLETTERS NOV/DEC 2012 AND JAN 2013**

These newsletters, which had been previously circulated, were noted.

## **8. POLICE REPORT**

Heather Bowsher reported that it had been a reasonably quiet month, with about 90 incidents occurring at on- and off-sales premises. Approximately 50 occasional licences had been approved. There had been no test purchasing exercise for a year but this would be up and running again soon, possibly during the Easter holidays. Test purchasing exercises were *not* random but based on intelligence received.

Simon Broadhurst reported on the implications on moving to a single Scottish police force from 1<sup>st</sup> April 2013. There would be 14 'super-divisions', with East Lothian, Midlothian, West Lothian and the Borders being 'J' Division. The East Lothian Chief Inspector would be Colin Brown. Simon also said that he was keen to see more cases on licensed premises leading

to exclusion orders. PCs would be asked to consider this option more actively. Ricky Ross and George Hood confirmed that RASP would be following up the issuing of banning letters by building up cases for ASBOs and/or exclusion orders.

Simon and Heather were thanked for their reports.

## **9. LICENSING STANDARDS OFFICER'S REPORT**

Rudi Fruzynski reported that the Licensing Board had dealt with a large number of licence applications and variations. An extension until 4am for Staggs (Musselburgh) on Super Bowl night had been approved.

At the 28<sup>th</sup> February Board meeting a general extension until 1am on the last day of the Open golf in July had been agreed. Details had been published on the forum website. Two further clubs had had a transfer to an open licence agreed.

There has been only two complaints about noise from licensed premises and the festive 2am general extension of hours had not thrown up any problems.

Personal licence refresher training would be covered in detail on the Forum website; and finally Trading Standards Officers had thanked the licensed trade for their assistance in dealing with attempts to sell counterfeit tobacco in the East Lothian area.

Rudi Fruzynski was thanked for his report.

*There being no further business, the meeting closed at 2105 hours after a vote of thanks to the Chair*