



**MINUTES OF THE MEETING OF THE  
EAST LOTHIAN LOCAL LICENSING FORUM**

**TUESDAY 4<sup>TH</sup> JUNE 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Forum Members Present:** Heather Bowsher  
Nico de Freitas  
Dave Dickson (Chair)  
Jim Goodfellow  
Pat Hanson (Secretary)  
Rudi Fruzynski  
Ricky Ross  
John Thayers

**Council Officials Present:** Kirstie MacNeill

**Other Licensing Board Members Present:** Willie Innes

**Visitors Present:** None

**Apologies:** Stuart Baxter  
Bernard Harkins  
Bill Duncan  
Julie Foster

## 1. FORUM MEMBERSHIP

It was noted that John Boyce had resigned from the Forum due to taking up a new position in the NHS. No replacement had yet been nominated. Also Richard Foley had been replaced by John Thayers for MELDAP, who was welcomed to his first meeting.

The Forum was pleased to note that, as a result of efforts to find new Forum members, Julie Foster from the 'Pine Marten', Dunbar had joined, although she was unable to attend the current meeting.

### Decision

It was agreed to record thanks to John Boyce and Richard Foley for their work on behalf of the Forum. The Secretary was asked to pass this on to each of them.

## 2. MINUTES OF THE MEETING HELD ON 5<sup>TH</sup> MARCH 2013

The minutes had been previously circulated. There were no issues of accuracy arising.

### Decision

The minutes of the Forum meeting held on 5<sup>th</sup> March 2013 were agreed as a correct record.

## 3. MATTERS ARISING FROM THE MINUTES

i Refresher Training for Personal Licence Holders The Secretary reported on a BII Information Seminar about Refresher Training which he had attended in Edinburgh recently. He confirmed a number of key dates and training parameters and said that the number of students in any class would be limited to 18. Once accreditation was complete, training could start from 1<sup>st</sup> August 2013.

Ricky Ross raised fears that if the refresher training were too expensive then the numbers of personal licence holders put through it could be reduced. Members referred to the Forum's previous decision to try to obtain a deal for East Lothian personal licence holders. The Secretary said that this would still be pursued once local providers had been identified.

Willie Innes said that the Forum's efforts to minimise the cost of refresher training in order to obtain the maximum uptake would be supported by the Licensing Board, which wished to see standards come up, not fall.

### Decision

It was agreed that any material from personal licence holder refresher training providers should be forwarded to the Secretary.

ii Scottish Government Consultation on Licensing Changes The Secretary confirmed that, following the discussion at the last meeting, the Forum's response to the consultation had been submitted. It was noted that there had been 122 responses in total.

iii Review of the Licensing Board's Statement of Licensing Policy Kirstie MacNeill made some introductory remarks about the draft 2013-2016 policy circulated by email to Forum members shortly before the meeting. She said that the main document had been reduced from 33 to 18 pages without changing the content dramatically.

The biggest change had been in relation to Overprovision. This was in response to pressure from eg the Scottish government and Alcohol Focus Scotland and also reflected the required consultation with health professionals and police. She drew attention to the statistics on alcohol-related hospital admissions and offences which would be published in detail as part of the formal consultative process when this was launched shortly.

The consequence of the Board's analysis of the figures was that in Prestonpans and Whitecraig & Wallyford no new licence applications would be approved and in Dunbar, Haddington and Musselburgh there would be a 'rebuttal presumption' whereby applicants would have to show that their proposal met each of the licensing objectives before approval might be considered.

Kirstie said that there would be further discussion about the consultation process and the main questions for consultation. The Board would subsequently consider responses and agree its final policy in September/October 2013. In answer to a question from Ricky Ross she confirmed that the Overprovision polices would apply in respect of applications to increase capacity as well.

Discussion largely centred around the Overprovision question. Nico de Freitas suggested that if the George Hotel in Haddington reopened then the owners might find it difficult to get a licence. Jim Goodfellow said that there were some concerns about AFS' ideas on linkage eg when looking at North Berwick vs Whitecraig/Wallyford. He also noted the implication that in some areas if any place with a premises licence closed then a replacement licence would not be granted.

Further discussion covered the situation in Prestonpans, comparisons with the national picture, alcohol in the community, causation vs correlation in the statistics, etc. Willie Innes said that perhaps the Board may have to develop a flexible attitude to new premises and that many of the problems of overprovision were more acute in areas of big cities.

The Chair thanked Kirstie MacNeill for speaking to the document, which would be considered fully by the Forum later as part of the formal consultative process. He also thanked members for this initial input to the debate.

#### **4. RECRUITMENT OF NEW FORUM MEMBERS**

The Secretary reported that an article would appear in the Summer issue of 'East Lothian Living' inviting applications for Forum membership. This was noted.

#### **5. ALCOHOL FOCUS SCOTLAND**

i National Licensing Conference 9<sup>th</sup> September 2013 The Chair and Secretary confirmed that they would be attending this conference and that the booking form and other details would be forwarded to Heather Bowsher at her request.

ii Fact-Sheet on Overprovision Policies The Secretary said that these papers also contained guidance by West Dunbartonshire Licensing Board on 'Evidence-based Overprovision Policy'. Rudi Fruzynski said that what was becoming clear from all these documents was that any Overprovision policy must be defensible otherwise problems could arise on appeal. He also reminded members about the recent Scottish Government consultation process and suggested that the foundation of the 2005 Act should really be solidified before other changes came into effect.

In further discussion on related matters members covered the licensing objectives, economic arguments related to new licence applications, the economic effect of alcohol abuse and measurable effects of alcohol policies. Heather Bowsher said that there would be some changes in the way that Police Scotland dealt with licensing issues. Pubs and clubs would be seeing police officers more often, with feedback on incidents being relayed to a new centre at Strathclyde. These papers were noted.

iii Licensing Practice Guide and Training Resource for Forum Members The Secretary introduced these two further AFS documents which had been previously circulated. It was confirmed that there had been a related training session for Forum members including one in Dumfries. The Secretary also tabled copies of a Scottish Licensed Trade News article from 16<sup>th</sup> May 2013 dealing with the actions and agendas of Licensing Forums. The papers were noted.

## **6. PUBWATCH – REPORTS FROM LOCAL SCHEMES**

The Secretary said that this would be a regular item on the Forum's agenda. He was pleased to see that active membership of the local Pubwatch was recommended in at least two places in the new draft Licensing Board policy statement.

Ricky Ross said that RASP was still operating well. RASP had been pleased to see that ASBOs barring individuals from all licensed premises in East Lothian had recently been applied. There was a continuing difficulty in identifying members of groups causing problems eg with photo evidence. Heather Bowsher confirmed that Police Scotland was continuing to combat anti-social behaviour in licensed premises. Officers would be encouraged to go for exclusion orders through the courts rather than applying fixed penalties.

The Secretary reported briefly on the coverage and activities of Pubwatch schemes in Haddington, North Berwick and District and Dunbar/West Barns insofar as information was available. Noted.

## **8. POLICE REPORT**

Heather Bowsher reported that there had been a lot of change with unification of the previous forces into Police Scotland. The good news was that licensing had gone up in priority. There was a new degree of flexibility eg with Strathclyde officers on duty at the Ladies' Day race meeting at Musselburgh.

There had been 87 occasional licences issued for events in June 2013. Incidents at on- and off-sales premises totalled 130 in May, slightly higher than average. The report was noted with thanks.

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

Rudi Fruzynski reported that there had been only two Board meetings since the last Forum meeting. The Board had agreed to grant a licence to Loretto School covering five areas for differing purposes eg weddings at weekends. The Board considered that there would not be too much impact on the local community. There had only been a small number of noise complaints resolved through joint visits with the police.

Rudi gave statistics for matters dealt with by the Board in the year ending 31<sup>st</sup> March 2013 (previous year in brackets):

|                                    |           |
|------------------------------------|-----------|
| Applications for premises licences | 9         |
| Applications for major variations  | 51 (27)   |
| Premises licence reviews           | 26 (20)   |
| Occasional licences issued         | 491 (535) |
| Complaints received by the LSO     | 42 (28)   |

Information relating to personal licence refresher training would be added to the website when it became available. The Licensing Board would write to all East Lothian personal licence holders with a reminder. The report was noted with thanks.

#### **10. ANY OTHER BUSINESS**

John Thayers gave an update on the work being undertaken by MELDAP. Consultations were taking place on alcohol and drug services with the aim of getting new services in place by 2015. The biennial Scottish Government survey had shown that overall drink/drugs/smoking in East Lothian was down but some measures of heavier drinking were showing an increase.

The Secretary said that a questionnaire had been received from Highland Licensing Forum about Forum recruitment, expenses etc. This would be dealt with outwith the meeting. Noted.

*There being no further business, the meeting was closed after a vote of thanks to the Chair.*