



## **MINUTES OF THE MEETING OF THE EAST LoTHIAN LOCAL LICENSING FORUM**

**TUESDAY 3<sup>rd</sup> SEPTEMBER 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Forum Members Present:** Heather Bowsher  
Ricky Ross  
Bernard Harkins  
Jim Goodfellow  
Pat Hanson  
Rudi Fruzynski  
Garry Naysmith  
David Forrest  
Stuart Baxter  
Christine O'Brien  
Stewart Logan

**Council Officials Present:** None

**Other Licensing Board Members Present:** None

**Visitors Present:** George Hood

**Apologies:** Dave Dickson (received later)  
Nico de Freitas  
Kirstie MacNeill  
Julie Foster and Andrew Leggatt  
Inspector Andrew Harbour  
John Thayers

*In the absence of the Chair, who had in fact been taken ill on the way to the meeting, Pat Hanson was elected Acting Chair and Bernard Harkins was elected Acting Secretary.*

## **1. FORUM MEMBERSHIP**

New members Christine O'Brien, Stewart Logan and Garry Naysmith were welcomed to their first Forum meeting and introductions were made.

## **2. MINUTES OF THE MEETING HELD ON 4<sup>th</sup> JUNE 2013**

The minutes had been previously circulated. It was noted that David Forrest's name should have been included in the Apologies for Absence.

### **Decision**

The minutes of the Forum meeting held on 4<sup>th</sup> June 2013 were agreed as a correct record subject to the above addition.

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

i Refresher Training for Personal Licence Holders The Acting Chair thanked Forum members for providing information from a number of refresher course providers. As a result he had been in discussion with a company called ITA Training, who had indicated that a course could be run in East Lothian for about £70 including VAT, depending on numbers and venue. Members discussed a number of possible locations for the training.

### **Decision**

It was agreed to continue pursuing the provision of courses in East Lothian under the banner of the Forum (and possibly the Licensing Board), which would also help to raise the profile of the Forum.

ii Forum Membership and Recruitment The Acting Chair confirmed that an item seeking further Forum members had appeared in the summer edition of the Council's newspaper. Noted.

## **4. EAST LOTHIAN LICENSING BOARD'S DRAFT STATEMENT OF LICENSING POLICY 2013-2016**

The Acting Chair introduced this item and described the four papers that the Licensing Board had published as part of their consultation exercise on the new three-year statement. In general terms the length of the policy statement had been reduced, but at the expense of some items which he felt should be retained. He then went on to lead discussion through the various parts of his own discussion paper, which had also been circulated previously.

There was a full discussion on all of the issues raised in the discussion paper. Members felt that the previous section on 'Duty to Trade' should be retained as this was particularly important for rural areas. Heather Bowsher said that the police would be asking that this clause should be retained.

It was agreed that the draft statement about on-sales hours should be supported but that there needed to be an amendment to the statement about off-sales hours.

Members agreed that the section on 'Management of Licensed Premises' should be retained in some form because it gave guidance on best practice in relation to the presence of personal licence holders on the premises.

Members welcomed the fact that the Board had strengthened the references to active membership of Pubwatch schemes.

Members agreed that much of the detail about Occasional Licences that had been removed from the current statement should be retained.

Members discussed the 'Overprovision' proposals, and the analysis of the proposals and supporting data contained in the discussion paper, at some length. They noted that aspects of the data were unsatisfactory and inconsistent and queried whether this was a suitable basis for the split geographical policy put forward by the Board.

Finally, members agreed that all of the more minor 'Other' items in the discussion paper should be put forward to the Board in the response.

### **Decision**

It was agreed that the suggestions in the discussion paper relating to 'Licensed Hours' and 'Other' should be adopted. In respect of 'Overprovision' it was agreed that, because the quality and consistency of the data presented did not justify the use of three separate geographical categories, there should be an overall 'rebuttal presumption' in respect of all applications.

The Acting Chair was asked to communicate all of the Forum's recommendations to the Licensing Board by the deadline of 6<sup>th</sup> September 2013.

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

i R.A.S.P. RASP members present asked whether the police had changed their attitude towards Pubwatch schemes since police reorganisation. There had been no police presence at the recent RASP AGM and this was perhaps sending the wrong message. Also there had been incidents where the police had been called out but had not attended.

Heather Bowsher advised that the police had not changed their attitude and that licensing was in fact moving up the priority list; responsibility was being centralised in Glasgow. It was still important that incidents should be reported.

ii Other Schemes There were no reports from other Pubwatch schemes.

## **6. POLICE REPORT**

Heather Bowsher reported that it had been fairly average month for incidents reported to the police. She also detailed some of the changes that had occurred with police reorganisation; 'J Division' now covered East Lothian, Midlothian, West Lothian and the Scottish Borders. In respect of the 'monitored' list there were currently no licensed premises in East Lothian on this. The report was noted with thanks.

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

Rudi Fruzynski reported that the Licensing Board had been fairly quiet over the last three months, with only two new applications and six variations being dealt with. The trend for clubs to apply for open licences was continuing. There had been one review; 139 occasional licences had been granted; and there had been 15 applications for occasional variations. Environmental Protection had been called out to three premises.

The extended hours for the Open had been well received and there had been only three incidents during the Open across East Lothian.

Rudi said that he was seeing a lot of applications for occasional licences to cover events which were essentially children's events such as school fundraisers where parents were present. He was rather concerned about this because it was possible that the licensing objectives might not be as well observed as for a regular premises licence. In respect of the Licensing Board's policy review Rudi had responded on the duty to trade and occasional licences. Finally, Licensing Standards Officers in Scotland had written to the Scottish Government calling for a national statement on overprovision. The report was noted with thanks.

## **8. ALCOHOL FOCUS SCOTLAND**

It was noted that the Chair and Secretary would be attending the AFS National Licensing conference in Glasgow on 9<sup>th</sup> September 2013. A report would be circulated in advance of the next Forum meeting. The July 'eFocus' Newsletter was noted.

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