



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

**TUESDAY 28 MARCH 2018  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Forum Members Present:**

Mr G Hood (Convenor)  
PC H Bowsher  
Mr R Ross  
Mr J Thayers  
Ms E Oldcorn  
Councillor J Goodfellow

**Council Officials Present:**

Mr R Fruzynski

**Clerk:**

Ms S Birrell

**Visitors Present:**

There were no visitors present at the meeting.

**Apologies:**

Mr D Dickson  
Ms C O'Brien

## **1. ELECTION OF OFFICERS FOR 2018/19**

Mr Hood explained to the Forum that a Convenor would require to be elected, but no Secretary, as the secretarial role would be fulfilled by the Committees Team of East Lothian Council from this meeting.

Mr Ross proposed Mr Hood for the Convenor role, this was seconded by Mr Oldcorn. Mr Hood was voted unanimously as Convenor by those present.

### **Decision**

The Forum agreed that Mr Hood would remain Convenor of the Local Licensing Forum for 2018/19.

## **2. MINUTES OF THE MEETING OF THE EAST LOTHIAN LOCAL LICENSING FORUM HELD ON 5 SEPTEMBER 2017, AND NOTES ON INQUORATE MEETINGS HELD ON 5 DECEMBER 2017 AND 14 MARCH 2018 FOR APPROVAL AND MATTERS ARISING**

All minutes presented to the Forum were approved as a true record. There were no matter arising.

### **Decision**

The Forum agreed to approve the minutes of the meeting held on 5 September 2017, and the notes on Inquorate meetings held on 5 December 2017 and 14 March 2018.

## **3. LICENSING STANDARDS OFFICER REPORT**

Mr Fruzynski provided the Forum with a verbal report, including detailed breakdowns of the business contracted at Licensing Board in January and February 2018. He informed the Forum that from 31 March 2018, all new premises licence applications would require to include details of disability access on an additional form.

Since the last meeting of the Forum, the Licensing Office had received 9 complaints, mostly noise related, 1 new premises licence application, 3 provisional premises licence applications, no confirmations of premises licences (Mr Fruzynski clarified that there was a delay with the provision of Section 50 certificates), 4 major variation to premises licences and 16 minor variations. There had been no applications for provisional licences, 120 applications for occasional licences, 4 applications for extensions to occasional licences, 7 transfers of licence, and 7 complaints in relation to licensed premises.

Mr Fruzynski reported that he had been visiting licensed premises, often with PC Bowsher, to inform individuals of the consultation on the Statement of Licensing Policy and encourage licensees to submit their responses. The Forum were also required to provide a Statement of Functions to the Licensing Board and it was his intention to use the Statement from last year, which had been praised as an example of best practice by the Scottish Government and SOLAR, as a template for this year's Statement. This would be completed by 1 July 2018.

The Forum discussed business transacted at the Licensing Board's March meeting.

Mr Fruzynski added that the Licensing Board had decided to charge 100% of the allowable fees for licence applications, as the previous charge of 75% had not been sufficient to cover the requisite costs.

**Decision**

The Forum agreed to note the verbal report.

*Sederunt: Councillor Goodfellow joined the meeting.*

**4. POLICE REPORT**

PC Bowsher gave a verbal report, advising that two sets of test purchasing had been carried out by the police on 4 and 5 December 2017 and 19 and 20 March 2018. It had been decided that test purchasing should not be carried out for a year to ensure that licence holders were not expecting the tests. Of 38 test purchases held between 4 and 5 December, 4 had failed, PC Bowsher outlined the details of each failed test and what actions had been taken. Of 25 test purchases held between 19 and 20 March 2018, none had failed. She clarified that the test purchases were not designed to catch licence holders out, but rather a mechanism to ensure that standards were upheld.

PC Bowsher reported on the Best Bar None awards, congratulating Forum Member Mr Ross on receiving a Gold Award for The Anchor. She summarised that there had been 19 applications this year, and 3 Bronze, 4 Silver and 12 Gold Awards had been awarded. The Coalgate in Ormiston had also been forwarded to the National Awards in the category of Heart of the Community and was through to the finals. She asked Forum Members who were also members of Pub Watch to recommend the Awards as a worthwhile activity to reward good practice and maintain good standards.

The Forum discussed at length conditions that had been placed on a licence holder in East Lothian at the previous Licensing Board meeting.

Mr Ross asked if test purchases would be carried out in on-sales premises. PC Bowsher confirmed there were no plans for this at present. Mr Ross noted his concerns about the use of false identifications in licensed premises. PC Bowsher recommended that false identifications were removed by bar staff, provided there was no risk to safety, and the police should be called.

**Decision**

The Forum agreed to note the verbal report.

**5. PUBWATCH**

The Convenor stated that the last meeting of Pub Watch had had to be cancelled, but another meeting would be scheduled in the near future. There were five interim bans that required to be processed. The Forum briefly discussed the incident that had given rise to the bans.

**Decision**

The Forum agreed to note the verbal report.

## **6. NEW STATEMENT OF LICENSING POLICY – REVIEW AND RECOMMENDATIONS**

The Forum discussed the version which had been circulated with the papers for the meeting. Mr Fruzynski reported that the final version would not be confirmed until October 2018. Ms Oldcorn added that the Forum would need to decide whether to submit an official response to the consultation or individual responses from members, via the survey.

The Convenor recommended that the Working Group should meet to discuss the Statement. Mr Fruzynski agreed, pointing out that it would be important to view the Statement as a whole, in relation to the original report created by the Forum and the Licensing Objectives, and in context with the consultation survey. He noted that the Forum had increased their visibility in the Statement, as requested. He emphasised that the issue of overprovision of off-sales should be looked at in conjunction with statistics relating to Health, and that all of the recommendations should be evidenced based, asking Working Group members to look for trends that they could report at their meeting.

Mr Thayers asked if an up to date version of the Statement could be brought to the Working Group meeting.

In response to a question from the Clerk, the membership of the Working Group was confirmed as: Mr Fruzynski, Mr Hood, Ms Oldcorn, Mr Thayers, Mr Shervill, Mr Ross, and Ms O'Brien. Mr McCollum should also be invited to attend the meeting.

The Forum discussed the consultation survey, how to best engage responses to the survey, the difficulties with the mapping that had been included with the document, and the ideal mapping, which would require improvement for the next draft Statement.

### **Decision**

The Forum agreed that the Working Group for the Statement of Licensing Policy should meet on 9 May 2018, in a venue to be decided by the Committees Team, who would circulate copies of the most recent version of the Draft Statement of Licensing Policy and the original draft, which would be provided to the Committees Team by Mr Fruzynski 16 days before the meeting.

*Sederunt: Councillor Goodfellow and Ms Oldcorn left the meeting.*

## **7. POLICE SCOTLAND YOUTH VOLUNTEERS FUTURE VISIT**

PC Bowsher asked whether a future meeting of the Forum could be held in the evening, as she would be in a position to invite Youth Volunteers who attended the Police Scotland Youth Volunteers Group. In response to a question from Mr Thayers, PC Bowsher confirmed that the young people were 14-16 years old. The Convenor agreed that this should be prioritised, as the Forum had difficulties engaging the views of young people.

Mr Fruzynski proposed that Queen Margaret University could be involved in future meetings. PC Bowsher asked whether there were particular courses that could be targeted to invite young people to attend.

### **Decision**

The Forum agreed: -

- i) To request that the Committees Team of East Lothian Council set four meeting dates for the Local Licensing Forum for 2018/19, including one with the Licensing Board,
- ii) to request that one of these meetings for was held in Musselburgh at 7:30pm, and
- iii) to ask whether child care costs could be added to the Clerk's fee for the evening meeting.

## **8. ANY OTHER BUSINESS**

Mr Hood advised that a Forum member had asked whether travel expenses could be provided to those travelling to attend meetings. The Clerk quoted the relevant paragraph of the Constitution, which stated, at paragraph 8.14:-

“East Lothian Council will provide facilities to assist members in carrying out their duties.”

Mr Fruzynski recommended that the Licensing (Scotland) Act should be consulted to find the definition of ‘facilities.’

### **Decision**

The Forum agreed that this should be further explored.