



**MINUTES OF THE MEETING OF  
EAST LOTHIAN LICENSING BOARD and EAST LOTHIAN  
LICENSING FORUM**

**THURSDAY 28 SEPTEMBER 2017  
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

---

**Board Members Present:**

Councillor F Dugdale (Convener)  
Councillor L Bruce  
Councillor J Goodfellow  
Councillor J Henderson  
Councillor C McGill  
Councillor J McMillan

**Clerk of the Licensing Board**

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

**Forum Members Present:**

Mr G Hood (Convener)  
Mrs E Oldcorn, NHS Lothian  
Mr R Ross  
Mr J Thayers, MELDAP

**Attending:**

Mr Rudi Fruzynski, LSO  
Ms G Herkes, Licensing Officer  
Mr C Grilli, Service Manager – Legal and Procurement  
Ms L Shearer, Senior Solicitor  
PC H Bowsher, Police Scotland  
Insp A Hill, Police Scotland

**Committee Clerk:**

Ms J Totney, Team Manager – Democratic and Licensing

**Apologies:**

None

**Declarations of Interest:**

None

Councillor Dugdale (Convener) welcomed everyone to the meeting, and the Clerk explained the legislative requirements to hold an annual joint meeting and outlined the role of the Licensing Forum (the Forum).

Everyone present introduced themselves.

**1. MINUTE OF THE MEETING OF THE JOINT ELLB AND ELLF 26 JANUARY 2017, FOR INFORMATION**

Members noted the minute.

**2. MATTERS ARISING**

The Clerk advised that any future training for Board members would be extended to Members of the Forum.

**3. UPDATE ON THE REVISED DRAFT LICENSING BOARD STATEMENT OF LICENSING**

The Clerk provided a verbal update on the draft Licensing Board Statement of Policy (the Policy) and advised that the revised Policy is to be implemented by October 2018. She informed members that monthly meetings are taking place, under the direction of the LSO, with a range of stakeholders to inform the Policy with a view to presenting the draft Policy to the Board early in 2018. The Clerk talked about the over provision statement and advised that Police Scotland and NHS Lothian statistics would be used to inform this part of the Policy; advised that NHS Lothian have offered to provide a briefing on how to interpret their statistics; enquired as to when Board members would like to see a draft of the revised Policy; and tabled resource Policy development booklets that had been produced by Alcohol Focus Scotland.

The Clerk asked members to consider the custom and practice of making an annual statement at the October Board meeting about extended licensing hours for the festive period. She advised that the extension applies to a period of around two weeks and while the extension is not widely used by premises, it avoids a potential flurry of individual applications for extended hours. Where extended hours have been used, she stated that they have been used responsibly. She added that Police Scotland and NHS Lothian are now suggesting that the extended hours procedures for the festive period should be written into the revised Policy. On behalf of the Forum, Mr Hood recommended to the Board that the festive extension of hours be restricted to Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day, with requests for extensions outwith these days being applied for individually and advised he would put this request in writing. P C Bowsher advised that Police Scotland are also looking for a reduction in extended hours over the festive period. After debate, the Clerk advised she would draft the statement for the October Board based on the request from East Lothian Licensing Forum.

The LSO provided detailed information on the monthly draft Policy meetings and the items that are under discussion which include access for young people; the definition of a meal; smoking in outdoor areas; and adding business profiles and risk assessments into the licensing application process. He explained the current approach to over provision in East Lothian and stressed that the development of the

revised Policy is an opportunity to create a meaningful and robust over provision statement for the next five years.

Members discussed their involvement in the draft Policy development and given that it is a Board policy and not a Council policy, there was the view that Board and Forum members should be involved at an early stage. Board members felt this would be beneficial as most of them were very recently appointed.

Councillor McMillan made several references to the contents of the Alcohol Focus Scotland booklet in relation to flexibility for local circumstances, and economic development and tourism.

The LSO commented on the need to balance the interests of tourism and the availability of alcohol.

Following comments from Councillor Dugdale, the meeting debated the amount of alcohol that was consumed via supermarket sales, which is understood to be in the region of 75%. Mr Thayers advised that this information is not available from supermarkets and that information on the refresh rates of alcohol displays in smaller retailers is not available either. He advised that a study is due to be published in mid-October which includes alcohol densities in Scotland. The Clerk stated that she was aware of this report and undertook to circulate this to Board and Forum members once it is available, adding that a briefing note was also being produced for Elected Members [per item 5 on the agenda].

Ms Oldcorn reported that there had been a study earlier this year looking at economic benefits/excessive harm from the use of alcohol and undertook to circulate this to Board and Forum members. The Clerk also pointed out that a lot of harm from alcohol is hidden because of the volume of off-sales purchases.

Mr Theyers provided figures on the typical age groups that were presenting for alcohol relating counselling (41 – 54) and at A&E (65+), along with the massive annual expense for East Lothian Council for alcohol related costs.

Mr Hood asked if it would be possible to have separate over provision statements for the on-sales and off-sales of alcohol. The Clerk advised that this could be possible. He also informed the meeting that the large supermarkets have declined to be members of the Forum. Members debated and acknowledged that supermarkets would have detailed statistics for the off-sales of alcohol.

Councillor McMillan mentioned that it is important that the Policy addresses the social fabric issues and assists the licensed trade to thrive.

All present accepted the invitation from the Clerk for Board and Forum members to attend the monthly Policy development meetings.

#### **Decision**

Members agreed to note the verbal report and discussions.

#### **4. 2016/17 SCOTTISH LIQUOR LICENSING STATISTICS**

The Clerk advised that not all Licensing Boards had participated in benchmarking this year and that East Lothian had opted out of doing this as Scottish Government is gathering statistics.

She added that the Board now needs to produce annual accounts and that there is a legal requirement to cover costs and to be non-profit making, adding that a review of fees is planned as East Lothian do not currently levy fees at the full amount that they could. The Clerk provided an update of the collection of licensing fees which are due on 1 October annually, commenting that there are disappointingly high levels of late payers. She advised that unpaid fees for 2017 would be reported to the Licensing Board, as this is a breach of a mandatory licence condition.

The meeting debated the potential to charge late payment fees, include differing fee rates in the Policy; and offer early payment discounts; the Clerk indicated that the latter might be a possibility.

The Clerk provided background information on the statistics regarding the lapse of personal licences due to refresher training not being completed on time and/or staff turnover.

Councillor Dugdale commented that it would be useful to visit the licensing office to get an understanding of processes and procedures.

#### **Decision**

Members agreed to note the report.

#### **5. ALCOHOL FOCUS SCOTLAND AND THE IMPROVEMENT SERVICE, ALCOHOL BRIEFING FOR ELECTED MEMBERS**

The Clerk advised that this had been covered at item 3.

#### **Decision**

Members agreed to note the verbal report.

#### **6. ANY OTHER BUSINESS**

##### **Crime and Anti-Social Behaviour statistics**

Mr Hood advised that a report provided by Police Scotland on crime and anti-social behaviour in licensed premises in East Lothian had been issued at a recent pub watch meeting. He advised that the report had been met with resistance and allegations of inaccuracy in relation to phone calls to the Police for incidents/potential incidents and that it was considered a negative report which was tantamount to a league table.

The Clerk pointed out that Board members do not have a copy of the report and undertook to include it at the monthly Policy development meeting and issue copies to Board members.

P C Bowsher explained the background to the report and advised that this is not a public document. She stated that Police Scotland regard calls about incidents as a positive action. Mr Ross felt that some calls to the Police were incorrectly being recorded as incidents and requested that the matter be discussed further once Board members had received the report. He added that some establishments were upset by the reported figures and that there needs to be further communication.

#### **East Lothian Licensing Forum – Administrative Support**

Mr Hood asked if resource could be provided for taking minutes. The Clerk advised that she would be unable to provide a member of staff but undertook to see if any budget contribution could be made and committed to update Mr Hood.

Mr Hood stated that there is a risk that the Forum might end up without a secretary if there is no support for taking and producing minutes.

Signed .....

Councillor F Dugdale  
Convener of East Lothian Licensing Board/Convener of the joint  
meeting with East Lothian Licensing Forum