



MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM

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TUESDAY 4 SEPTEMBER 2018
THE OLD COLLIERY, OLD DALKEITH ROAD, EDINBURGH

Forum Members Present:

Ms E Oldcorn (Convenor, temporary)
Mr R Ross
PC H Bowsher
Ms C Cunningham
Mr J Thayers

Council Officials Present:

Mr R Fruzynski

Clerk:

Ms S Birrell

Visitors Present:

There were no visitors present at the meeting.

Apologies:

Mr G Hood
Ms C O'Brien
Mr A Leggett

Declaration of Interests:

None

As Mr Hood had recorded his apologies for the Forum, those present agreed that Ms Oldcorn would act as Convenor for this meeting. For clarity, all individuals present at this meeting are referred to by name.

1. MINUTES OF THE MEETING OF THE EAST LOTHIAN LOCAL LICENSING FORUM HELD ON HELD ON 5 JUNE 2018 FOR APPROVAL AND MATTERS ARISING

Ms Oldcorn asked for approval of the draft minute. The Clerk amended a typographical error.

Matters Arising

The Forum discussion progress on decisions made at the last meeting.

The Convenor agreed to contact Mr Hood to ask whether he had written a letter to the Licensing Board regarding the backlog of Building Standards Certificates which had resulted in a sharp increase in the number of applications for occasional licences, as agreed at item 2 of the minute.

Mr Thayers agreed to meet with PC Bowsher and/or Amanda Johnson regarding the structure and content of the next meeting of the Forum, which would take place in conjunction with the PSYV and would not, therefore, take the standard form of agenda items, as agreed at item 3 of the minute.

Mr Fruzynski updated the Forum regarding discussions on the AFS/CRESH report which had taken place in last meeting of the Forum's working group.

Decision

The Forum agreed to amend the small error, and otherwise approved the minutes of the meeting held on 28 March 2018.

2. LICENSING STANDARDS OFFICER REPORT

Mr Fruzynski provided the Forum with a verbal report, including detailed breakdowns of the business contracted at meetings of the Licensing Board held in June and August 2018.

Mr Fruzynski briefed the Forum with a breakdown of the number of applications and complaints received since the last Forum meeting, which were as follows:-

Applications for Premises Licence	0
Provisional Licence Applications	1
Confirmation of Provisional Licences	0
Major Variations of Licenced Premises Licences	5
Minor Variations of Licenced Premises Licences	16
Premises Licence Reviews	0
Personal Licence Reviews	0
Licences Surrounded	0
Applications for Occasional Licence	187
Transfer of Licences	4
Complaints Received	16

Mr Fruzynski spoke in detail to each complaint. He confirmed that notices of Annual Fees had been sent out to licensees. Personal Licence Renewal Notices would be circulated soon, after official confirmation from the Scottish Government in terms of a potential fee for this service.

The Forum discussed occasional licence applications and the Building Standards backlog. Mr Fruzynski confirmed that there was no limit on the number of applications for occasional licences a premises could submit, if a permanent licence was in the process of being approved. Members of the Forum asked about complaints received regarding noise in licensed premises, Mr Fruzynski responded that these had been referred to East Lothian Council's nuisance noise team.

PC Bowsher asked whether consideration had been given to additional police checks for personal licence renewals to ensure there were no outstanding convictions since the original licence had been granted.

Ms Oldcorn recommended that items for the joint meeting between the Licensing Board and the Licensing Forum should be discussed under Any Other Business.

Mr Fruzynski offered to bring figures for the number of outstanding provisional licences to the next meeting of the Forum.

Decision

The Forum agreed:-

- i) that items for the joint meeting between the Licensing Board and the Local Licensing Forum would be discussed during Any Other Business;
- ii) that Mr Fruzynski would bring details of the number of outstanding provisional licences to the next meeting of the Forum; and
- iii) to note the verbal report.

3. POLICE REPORT

PC Bowsher stated that no licence reviews had taken place in the last three months.

Inspector Harborow had presented the Annual Police Report to the Licensing Board since the last meeting of the Forum. The report had recorded a large increase in the number of reported incidences on licensed premises, which had risen from 253 during the year 2016/17 to 384 during the year 2017/18. Most of the increase could be traced back to incidences of the theft of alcohol, which had risen from 60 to 173.

The Forum discussed incidences of the theft of alcohol in depth. PC Bowsher confirmed that there were two dedicated officers working solely on thefts in the area, in order to build up a picture of any patterns, particularly repeat perpetrators. She added that she had been working with Mr Fruzynski on licence applications in order to make recommendations to the Licensing Board regarding CCTV positioning and layout of stores for off sales.

Mr Thayers asked whether there had been any trends noted since the advent of minimum pricing in May 2018. PC Bowsher indicated that it was too early for trends to have emerged.

PC Bowsher reminded the Forum that applications for the Best Bar None Awards were now open, and encouraged anyone interested to apply.

Decision

The Forum agreed to note the verbal report.

4. PUBWATCH

Mr Ross summarised that Pubwatch had held their AGM last week and office bearers had remained the same as last year. Although the meeting had been well attended there had been an overall decrease in membership and premises memberships. There were no new individuals reported for inclusion in the Pubwatch scheme.

PC Bowsher added that there were ongoing discussions, fully supported by the Police, to reopen Pubwatch groups in North Berwick and Dunbar.

In response to a question from Ms O'Brien, PC Bowsher clarified that membership of Pubwatch was a recommendation of best practice in the new draft Licensing Policy, although it was sometimes made a condition of granting a licence.

The Forum discussed and agreed that, although membership of Pubwatch was not at this time mandatory in order to be approved for a licence, it should be encouraged by the Licensing Board and the Police.

Decision

The Forum agreed to note the verbal report.

5. UPDATE FROM THE LICENSING POLICY WORKING GROUP

Mr Fruzynski updated the Forum on the progress of the Forum's official response to the Licensing Policy, which had been drafted in such a way as to allow the Licensing Board to decide whether to declare East Lothian an area which suffered from over provision. The Board had decided that they would have considerable difficulty in the justification or defense of this position, and had not supported this recommendation. They had instead agreed to continue considering each application on a case-by-case basis. The Board had also highlighted that contributions from the Police, the Licensing Office and the NHS regarding licence applications could be 'smarter.' The final report would be put to the Licensing Board on 27 September 2018 and further changes could be made by supplementary reports during the five year licensing period. He highlighted that, within the report, there were recommendations of good practice which would assist the licensing process.

Ms Oldcorn noted her disappointment that the Licensing Board had come to this decision, which would put the onus on the Police and Licensing Office to prove whether an application should be rejected in terms of over provision, reversing the licensee's responsibility to outline why their application should be accepted.

The Forum discussed over provision in detail. Ms Oldcorn agreed that current guidance had required some refinement but stressed that, without a declaration of over-provision, it would be more difficult to defend the decision to refuse an application. Mr Thayers pointed out that East Lothian's alcohol provision was not one of the areas in Scotland with the highest

number of outlets, and although there were a small number of areas within the county that could have been proved as over-provided with licensed premises, the decision had been taken not to target these areas, which were usually also notable in terms of other deprivation indicators. Ms Oldcorn reminded the Forum that although within Scotland, East Lothian's provision was not above average, in UK or European terms the area would be considered over-provided. Over-provision was a national problem. Mr Thayers reported that there were areas in East Lothian without high provision of outlets, but with a high number of alcohol related incidences. The Forum discussed actions taken by other Local Authorities on the issue of over provision.

Mr Fruzynski recommended that an alcohol profile for East Lothian should be collated in order to provide a clearer picture of the area. Mr Thayers reminded the Forum that the number of licences refused on a National level was minute. The Forum discussed and agreed the length and structure of the report.

Decision

The Forum agreed to note the update.

6. ANY OTHER BUSINESS

Ms Oldcorn asked Forum members for suggested Agenda items for the joint meeting with the Licensing Board and the Licensing Forum on 27 September 2018. She stated that the Policy Document should be discussed, including a breakdown of the reasons why all fourteen of the recommendations made by the Licensing Forum had not been accepted by the Board.

Mr Fruzynski asked that 'Forum Development and Marketing' should be discussed at the joint meeting. The Forum discussed their development and agreed that Ms Oldcorn would draft a letter inviting potential members to an information session before the meeting scheduled for March 2019, in conjunction with contact details held by PC Bowsher and Ms Pryde, the liaison officer for Community Councils in East Lothian. Mr Thayers reported that MELDAP were hoping to employ two members of staff to work in the six secondary schools in East Lothian to support young people with mental health, drugs and alcohol, and he could add to their job description attendance at the Local Licensing Forum.

Cllr Goodfellow recommended that Mandy Smith, who was responsible for the Community Warden service, should be invited to the next meeting of the Forum. Ms Oldcorn proposed that individuals representing Education and Social Work should be invited to join the Forum.

Decision

The Forum agreed that:-

- i) the following items would be requested for inclusion on the agenda for the joint meeting between the Local Licensing Forum and the Licensing Board: *Policy Statement* (to include reasons for not including LLF recommendations) and *Development and Marketing of the Local Licensing Forum*;
- ii) Ms Oldcorn would draft a letter inviting representatives from Community Councils and/or licensees to attend an information session before the meeting of the Local Licensing Forum in March 2019, in conjunction with PC Bowsher, and;

- iii) Mr Hood would be asked to invited Mandy Smith to join the Forum at their next meeting to talk about the role of Community Wardens.

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