



MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM

**WEDNESDAY 11 DECEMBER 2019
THE SEAGLASS INN, 18 LINKS ROAD, PORT SETON**

Forum Members Present:

Mr G Hood (Chair)
Mr D Dickson
PC H Bowsher
Mr J Thayers
Mr J Sherval
Ms C O'Brien
Ms C Cunningham
Mr R Fruzynski
Mr R Ross

Clerk:

Ms S Birrell

Visitors Present:

PC Colin Banks

Apologies:

Mr S Baxter
Mr A Leggat
Cllr F Dugdale

Declarations of Interest:

There were no Declarations of Interest.

1. MINUTES OF THE MEETING OF THE EAST LOTHIAN LICENSING FORUM HELD ON 10 SEPTEMBER 2019 FOR APPROVAL AND MATTERS ARISING

The minutes were approved as a true record. There were no matters arising.

2. LICENSING STANDARDS OFFICER REPORT

The Licensing Standards Officer, Mr Fruzynski, gave a verbal report, outlining the business that had been transacted at Licensing Board meetings held in September, October and November 2019.

In relation to a condition placed on the grant of a premises licence application – of reporting all theft of alcohol to the Police – the Chair queried how the Licensing Board would know whether thefts of alcohol had been reported. Mr Fruzynski admitted it was challenging, but that he worked closely with similar outlets throughout the area. The Forum discussed the size, percentage of the store and location of alcohol within an application.

The Forum discussed the grant of a major variation to a premises licence. Mr Fruzynski reported that he was of the opinion that the reversal of an open licence to a club licence represented a retrograde step, and that the Board had acknowledged his position. The Chair noted his disappointed that the licence had been granted.

Mr Fruzynski briefed the Forum on the number of applications and complaints received between 1 September 2019 and 30 November 2019, providing detail on all figures. The total number of applications/reviews/complaints were received as follows:-

Applications for Premises Licence	1
Provisional Licence Applications	3
Confirmation of Provisional Licences	3
Major Variations of Licenced Premises Licences	3
Minor Variations of Licenced Premises Licences	23
Premises Licence Reviews	0
Personal Licence Reviews	0 (1 pending)
Licences Surrendered	1
Applications for Occasional Licence	177
Applications for Occasional Extensions	9
Transfer of Licences	2
Complaints Received	6

As requested at previous meetings, Mr Fruzynski updated the Forum on the position with outstanding provisional licences which had been delayed due to a backlog in the completion of Section 50 Certificates, confirming there were eight outstanding applications at this time.

Mr Fruzynski drew the Forum's attention to the Licensing Functions Report, which was available to view at <http://www.eastlothianlicensingforum.co.uk/topical-information--news-2019.html> .

Mr Fruzynski reported that all Annual Fees had been received on time this year. Mr Dickson asked how the significant outstanding licences outlined at the last meeting had been resolved. Mr Fruzynski advised that licensees had been informed that their licence would be

revoked if Annual Fees were not received on time. Many licences had been revoked, which was an expected outcome. Mr Dickson asked about the anomaly in the legislation which allowed different areas in Scotland to have different dates and conditions regarding renewal. Mr Fruzynski explained that the Licensing Office were of the opinion that renewal was not a necessary function of licensing, and that outstanding issues could be dealt with via a personal licence review or a refresher course. He added that SOLAR, the Society of Local Authority Lawyers and Administrators, were trying to address the differences between licensing policy in different areas in Scotland. He stressed that out of date personal licences would not be accepted across the country.

Mr Fruzynski recommended the Local Licensing Forum's website, and extended an invitation to those present to submit information for the webpage.

Mr Fruzynski touched on possible topics for future discussion, including a review of the Statement of Licensing Policy after a year of operation, and the new constitution. The Clerk agreed to ask for an update on the draft constitution from the Committees Team.

Decision

The Forum agreed:-

- i) to ask for an update on the progress of the new constitution, and
- ii) to note the verbal report

3. POLICE REPORT

PC Bowsher emphasised the need for updating of licences held in a company name if said company had changed name or had been dissolved.

She reported on the new rape awareness campaign, which highlighted the responsibility of bystanders and licence holders to intervene in situations where potential victims were identified, adding that 80% of rapes were carried out by people who had met their attacker on licenced premises.

She also introduced a new campaign 'Girls Against Spiking,' and showed the Forum posters and special beer mats made with a hole for a straw which would keep drinks safe.

Mr Dickson asked if the 'ask for Angela' campaign was still running, where patrons could ask bar staff for 'Angela' if they required assistance after meeting a person in the premises. PC Bowsher confirmed that this campaign was ongoing.

PC Bowsher outlined the Police position on licence renewal, which was that it offered an opportunity for checks to be carried out relating to convictions that could have been applied after the licence had been granted. Licensees were supposed to declare any convictions, and the Courts were expected to forward details, but both of these checks and balances were dependant on licence holders mentioning their licence during the process. Outwith the renewal process, licence holders would only be checked every ten years, by which time a conviction could be spent. In response to a comment from Mr Fruzynski, PC Bowsher reminded the Forum that details of individuals sent for refresher courses were not passed to the Police.

The Forum discussed the possibility of forwarding notifications of refresher courses to the Police. Ms Cunningham asked who would be responsible for initiating a change of this kind,

PC Bowsher confirmed that it would be the responsibility of the Council but added that she was not of the opinion that this would adequately replace the renewal process due to restrictions on her capacity to check individuals on the police database.

PC Bowsher commented that the onus was on the Police and the Licensing office to ensure that DPMS held an operating licence, and that she had attended licence premises to enforce the cessation of selling alcohol in the past.

PC Bowsher updated the Forum on the Best Bar None Awards: she was delighted to report that the number of applicants had doubled this year. The meeting to discuss applications and awards would be held the next day (12 December 2019). She added that all licence holders were recommended to apply for Best Bar None as it was a good way to ensure licenced premises were carrying out the required tasks and an easy way to make improvements towards best practice.

She reminded all those present to be vigilant about human trafficking in the area, disclosing that there were incidences in East Lothian. She had attended a premises in East Lothian with immigration officials in recent weeks.

The Forum discussed the assessment for the Best Bar None Awards. Mr Dickson had felt that the size and scope of his premises had not been taken into account when the assessor had asked to view policies that would not apply to a small facility. PC Bowsher agreed to feed back this information to the assessor. Mr Ross reported that when he had met with the assessor there had been a clear delineation between which policies applied to his premises and which were not relevant, for example because they related to larger, nightclub premises.

Mr Thayers asked if swabs were still used in licenced premises to check for the presence of cocaine, and whether there was a high incidence of discovery via this method. PC Bowsher reported that it was rare not to find traces of cocaine when the swabs were utilised.

PC Bowsher recommended that the Forum asked for an update from the Council's Legal department concerning the ongoing project on bye-laws preventing the consumption of alcohol in public places.

PC Bowsher added that the PSYV could be contacted via her replacement, PC Banks, and that it had been suggested that in the future, the Forum could submit questions to the full group, and invite one or two representatives to attend a meeting and report back on their answers.

Decision

The Forum agreed:

- i) to request an update on the byelaws preventing the consumption of alcohol in public places, and
- ii) to note the verbal report.

4. PUBWATCH

Ms O'Brien reported that the date for the AGM of Pubwatch would be arranged in January. PC Bowsher asked whether there had been any issues with the groups' email address, it was confirmed that the email address was still operating as normal.

6. ANY OTHER BUSINESS

Mr Thayers updated the Forum on the new project to offer support and advice to young people with drug and alcohol problems, or those who were affected by others' drug and alcohol abuse. The scheme had employed two full-time members of staff who would commence their work on 6 January 2020. The project would be provided by the charity MYPASS who were based in Dalkeith, Midlothian.

He informed the Forum that there was a new health campaign based around knowledge of how many drinks constituted 14 units, and offered to send posters and leaflets to those who were interested. The Chair asked if resources could be sent to the Pubwatch group.

Mr Dickson pointed out that licenced premises received bar mats direct from breweries, and recommended requesting holes for straws were added to these mats to protect drinks from spiking.

The Forum discussed possible business for future meetings.

Decision

The Forum agreed:-

- i) to note the verbal report from Mr Thayers, and
- ii) to add the following items of business to the next agenda:
 - 1) Creation of Working Group to review the Statement of Licence Policy.
 - 2) Update from Cllr Dugdale regarding recommendations made by the Forum to the Licensing Board.
 - 3) Update on byelaws preventing the consumption of alcohol in public places.
 - 4) Update on the update to the constitution of the Local Licensing Forum.
 - 5) Future Training Needs as requested by Alcohol Focus Scotland.

7. DATE OF NEXT MEETING

The date of the next meeting was confirmed as Wednesday 11 March 2020. It was noted that there was no time or venue confirmed for this meeting.