



MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM

**WEDNESDAY 12 JUNE 2019
THE PINE MARTEN, DUNBAR**

Forum Members Present:

Mr G Hood (Chair)
Mr D Dickson
PC H Bowsher
Mr J Thayers
Ms E Oldcorn
Ms C Cunningham
Mr A Leggat (items 1-3)
Mr R Fruzynski

Clerk:

Ms S Birrell

Visitors Present:

Mr C Wilkinson, Scottish Licensed Trade Association

Apologies:

Mr S Baxter
Ms C O'Brien

Declarations of Interest: There were no Declarations of Interest.

1. MINUTES OF THE MEETING OF THE EAST LOTHIAN LICENSING FORUM HELD ON 2 APRIL 2019 FOR APPROVAL AND MATTERS ARISING

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

2. LICENSING STANDARDS OFFICER REPORT

Mr Fruzynski gave a verbal report on the business transacted at the last three meetings of East Lothian's Licensing Board in March, April and May 2019, along with detailed information on each application.

He updated the Forum on Personal Licence Renewals, 271 of which had been due by 31 May 2019. 12 had been returned undelivered, 177 had been renewed by the deadline. 5 designated premises managers had not renewed their personal licences. Mr Wilkinson informed the Forum of the national position, adding that the Scottish Licensed Trade Association (SLTA) had requested a meeting with the Scottish Government to discuss the situation. The Forum discussed the issue in detail. In response to questions from the Forum, Mr Fruzynski confirmed that personal licences that were not renewed would be revoked by 31 August 2019.

Mr Fruzynski briefed the Forum on the number of applications and complaints received between 1 March 2019 and 31 May 2019, providing detail on provisional licence applications. The total number of applications/reviews/complaints were received as follows:-

Applications for Premises Licence	0
Provisional Licence Applications	5
Confirmation of Provisional Licences	0
Major Variations of Licenced Premises Licences	5
Minor Variations of Licenced Premises Licences	12
Premises Licence Reviews	0
Personal Licence Reviews	0 (1 pending)
Licences Surrendered	0
Applications for Occasional Licence	275
Applications for Occasional Extensions	16
Transfer of Licences	11
Complaints Received	11

Mr Thayers asked if comparative data could be brought to the Forum regarding the number of applications in previous quarters. Mr Fruzynski agreed that he held this information, and the clerk suggested that it could be circulated with the papers for each meeting. Mr Fruzynski concluded by confirming that the annual function report on licensing activity would be circulated with the papers for the next meeting.

The Forum discussed ongoing issues with building standards and the provision of premises licences, the use of occasional licences as an alternative and the relevant costs of said licences, and the variation in licensing revenue across different Local Authorities in Scotland.

Decision

The Forum agreed to note the verbal report.

3. POLICE REPORT

PC Bowsher reported on a pending personal licence review, a refusal for extended drinking hours, and the impact on police workload of ongoing personal licence renewal issues. She raised concerns that, given licences were renewed once every ten years, an applicant could have a conviction which would have become 'spent' by the time the licence was due for renewal. The Forum agreed that this would require a change in legislation and therefore was not in East Lothian Licensing Board's remit.

She updated the Forum on the Best Bar None Awards: in East Lothian this year 10 Gold, 3 Silver, and 2 Bronze Awards had been given to East Lothian premises, and two premises had gone forward to the National Finals.

Regarding the Pubwatch scheme, she intimated that Dunbar Pubwatch was fully operational, and had had two meetings to date. The North Berwick group had not met due to changes to staffing in the community policing team.

PC Bowsher outlined some incidents of concern that had occurred in East Lothian over recent weeks, commending the actions of a designated premises manager who had dealt well with a difficult situation. The Forum discussed instances of underage drinking in Dunbar.

In connection with the anticipated review of bye-laws relating to drinking alcohol in public places, PC Bowsher confirmed that this project was ongoing and a revised plan would be ready soon.

Decision

The Forum agreed to note the verbal report.

Sederunt: Andrew Leggett left the meeting.

4. PUBWATCH

The Chair confirmed that there was no one available to speak to the report present at the meeting.

5. LICENSING BOARD FUNCTION REPORT

Mr Fruzynski described the content of the Licensing Board Function Report 2018/19, which would include details of activity between 31 March 2018 and 1 April 2019. Ms Oldcorn added that Alcohol Focus Scotland had carried out a review of function reports with a view to specifying information which should be included. In response to questions from the Forum, Mr Fruzynski confirmed that the report would be made available to the public, and that Forum members would receive notification once it had been uploaded to the Forum's website.

Decision

The Forum agreed that they would be notified when the Licensing Board's Function Report 2018/19 had been made available to the public.

6. NATIONAL FRAMEWORK FOR ALCOHOL

Ms Oldcorn circulated a summary of the action plan for the Scottish Alcohol Prevention Framework, pointing out that most of the agreed actions were broad and would be actioned at a National level.

The Forum discussed the action plan in detail, covering topics such as the definition of 'capacity' and 'giving regard to the advice of,' and the role of the Forum going forward. Mr Fruzynski confirmed that Cllr Dugdale had agreed to remind the Licensing Board of their obligation to respond to the Forum's correspondence.

Ms Oldcorn added that she had been concerned over comments made by Councillors at Licensing Board regarding the local economy as a reason for grant of a licence, given that licences should be considered on the basis of the five licensing objectives alone.

Decision

The Forum noted that it was inappropriate for members of East Lothian's Licensing Board to mention the local economy during consideration of an application for a licence, as all applicants should be considered on five agreed licensing objectives.

7. FEEDBACK ON FORUM'S JOINT MEETING WITH THE PSYV

PC Bowsher reported that the PSYV would welcome another joint meeting. The Forum discussed the possibility of one or more of the members of the PSYV joining the Forum.

Decision

The Forum agreed:-

- i) that another joint meeting would be held between East Lothian Licensing Forum and the PSYV group, possibly in December 2019, and
- ii) that the Forum would explore the possibility of a member of the PSYV joining the Forum membership.

8. UPDATE ON EAST LOTHIAN PROHIBITION ON DRINKING IN PUBLIC PLACES, BYE LAWS

PC Bowsher confirmed the update had been given as part of her verbal police report at item 3.

9. CONSULTATIONS

Ms Oldcorn reported on two live consultations, one of which had been responded to by a working group from the Forum. She agreed to forward the response to Forum members. The consultation on Occasional Licences had a deadline of 12 July 2019 and she offered to collate a response with assistance from Forum members.

The Forum discussed the use, cost and appropriate applicants for Occasional Licences.

Decision

The Forum agreed that Ms Oldcorn would circulate the response to the consultation on section 142 of the Licensing (Scotland) Act 2005, and the link to the live consultation on Occasional Licences.

10. ANY OTHER BUSINESS

Mr Fruzynski directed the Forum's attention to the updated attendance sheet. Ms Oldcorn asked about membership for the Forum from Council Departments such as Social Work and Education.

Mr Fruzynski congratulated PC Bowsher on a successful seminar on crime scene preservation and counter terrorism.

Mr Thayrs asked if the Forum could consider discussing inaccurate labelling in off sales alcohol. The Forum agreed to add this to the next agenda for discussion.

The Chair intimated that this would be Ms Oldcorn's last meeting. He recorded his thanks for her work with the Forum and best wishes for her new post.

Decision

The Forum agreed to add inaccurate labelling in off sales alcohol to a future agenda.

11. DATE OF NEXT MEETING

The date of the next meeting was confirmed as Tuesday 10 September, 2019, in Esk Room 2, Brunton Hall, Musselburgh.