



MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM

**WEDNESDAY 11 MARCH 2020
THE SEAGLASS INN, PORT SETON**

Forum Members Present:

Mr G Hood
Mr S Baxter
Mr J Thayers
Ms C O'Brien
Mr R Ross

Council Officials Present:

Ms J Totney

Elected Members Present:

There were no Elected Members present at the meeting

Clerk:

Ms S Birrell

Apologies:

Mr D Dickson
PC C Banks
Mr J Sherval
Mr R Fruzynski

Declarations of Interest: There were no Declarations of Interest.

1. ELECTION OF OFFICERS FOR 2020/21

Mr Hood proposed Ms O'Brien for the post of Secretary, and this was seconded by Mr Ross. Ms O'Brien was elected unopposed to the role of Secretary. Mr Ross proposed Mr Hood for the Convenor post, this was seconded by Ms O'Brien, and Mr Hood was elected unopposed to the role of Convenor, adding that his health could preclude him from serving the full term.

2. MINUTES OF THE MEETING OF THE EAST Lothian LOCAL LICENSING FORUM HELD ON HELD ON 11 DECEMBER 2020 FOR APPROVAL

The minute was agreed as an accurate record of the meeting.

3. MATTERS ARISING

Mr Thayers asked if there could be a standing item report at future meetings advising the number of applications that had been presented to the East Lothian Licensing Board since the last Forum meeting, to be broken down in the number granted and the number refused.

Decision

The Forum agreed that it would request that ELC Licensing team provide the number of applications granted/refused for each Meeting of the Local Licensing Forum.

4. LICENSING STANDARDS OFFICER REPORT

It was reported that as the Licensing Standards Officer (LSO) had submitted his apologies for this meeting, there would be no report. However, the Convenor advised that he had received a report direct from the LSO and indicated that he would send this to East Lothian Council Committees team for circulation to Forum members for information.

Decision

The Forum agreed that the Convenor should issue the LSO report to members, via the Council's Committee team, and that the item would be continued to the next meeting at which time an updated LSO report would be requested.

5. POLICE REPORT

It was advised that as PC Banks had submitted his apologies for this meeting, there would be no report.

Decision

The Forum agreed that this item would be continued to the next meeting.

6. PUBWATCH

The Convenor confirmed that the Pubwatch group were still in hiatus due to ongoing issues. Individuals from Prestonpans, who were keen to establish a Pubwatch scheme in the area

would be encouraged to join the RASP group, which would be meeting again soon. A redesign of the Pubwatch poster was also scheduled.

Decision

The Forum agreed to note that the Pubwatch would meet again in the near future.

7. CREATION OF WORKING GROUP TO REVIEW THE STATEMENT OF LICENCE POLICY

The Convenor intimated that he would email all members with proposed dates for working group meetings, and invited members to let him know which meetings they could attend in order to review the Statement of Licence Policy. Ms Totney recommended that any requests for further resource from East Lothian Council should be forwarded to her in the first instance.

Decision

The Forum agreed that a working group would be set up without administrative assistance from East Lothian Council to review the Statement of Licence Policy.

8. UPDATE FROM CLLR DUGDALE REGARDING RECOMMENDATIONS MADE BY THE FORUM TO THE LICENSING BOARD

It was noted that Councillor Dugdale, East Lothian Licensing Board (ELLB) Convenor, had not been able to attend the meeting. Ms Totney advised that there was no requirement for the ELLB Convenor to attend the Forum meetings and that the matter that the Forum considered to still be outstanding in relation to responses to the Forum's recommendations for the Statement of Licensing Policy, should be for the attention of Kirstie MacNeill, Service Manager, in her capacity as Clerk to the Licensing Board and not for Councillor Dugdale to address.

Decision

The Forum agreed to add this item to a future agenda and seek a response from Ms MacNeill.

9. UPDATE ON BYELAWS PREVENTING THE CONSUMPTION OF ALCOHOL IN PUBLIC PLACES

The Convenor shared an email from Mr Forrest, Senior Solicitor at East Lothian Council, which provided an update on the issue of byelaws preventing the consumption of alcohol in public places. It was unlikely that a ban could be implemented for the area of East Lothian, but, following a further consultation and approval from the Scottish Government, it was hoped that an alternative byelaw, applicable to all residential areas in East Lothian, could be passed.

The Forum discussed the original consultation, and historical reasons for the current byelaws.

Decision

The Forum agreed to ask for a more detailed update in the near future including potential timescales for a further consultation, and when new byelaws would be likely to be fully implemented.

10. UPDATE ON THE REVISION OF THE CONSTITUTION OF THE LICENSING FORUM

Ms Totney gave a detailed report on the operation of the Forum, and spoke to her updated version of the Forum's Constitution. She also outlined work that had been carried out to streamline and modernise the process of recruitment, and the new requirement for each member to reapply every two years to remain part of the Forum. She confirmed that, as the Licensing Forum's operation was based in legislation, it would not require a constitution per se, and the replacement document would accordingly be known as the Forum's Scheme of Administration.

Processing of new applications should take no longer than four weeks and would be delegated to the Service Manager – Legal and Procurement, the Service Manager – People and Governance, and the Team Manager – Democratic and Licensing. However, the phrase 'Council Officers' had been used in the Scheme of Administration, to ensure that the document would be futureproof, should role titles change.

She confirmed that the quorum for a meeting would remain at half of the membership, rounded up, due to the requirements of the relevant legislation. However, the wait time before a meeting would be cancelled due to it being inquorate, could be increased to 15 minutes. She asked for clarification on the creation and operation of Working Groups so that they could be added to the scheme.

She outlined the new procedure for removing members of the Forum due to non-attendance. The Forum discussed the inclusion of relevant information and contact details on the Forum's website. Mr Baxter pointed out that quorum rules could not be applied to Working Groups. The Forum discussed the terms and conditions of Forum membership which all members would be required to sign upon appointment and re-appointment.

Mr Thayers asked how the Licensing Board could take steps to become more responsive to queries and comments from the Forum. The Forum agreed that the relationship between the two groups was essential to maintain the strength and purpose of the Forum. Mr Thayers stressed that the Licensing Board had not provided reasons for not accepting any of the suggestions put by the Forum more than two years previously regarding East Lothian Licensing's Over-Provision Statement, despite the significant amount of work carried out by the Forum in collating these suggestions and amendments. He added that it would be reasonable to expect the Licensing Board to respond to questions put by the Licensing Forum by the following meeting date of the Forum, a time scale of around three months.

The Forum discussed recruitment further, and Ms Totney agreed to contact Council Officers regarding the potential to promote membership within the Council's Community Support Team, and the Healthy Working Lives group.

Decision

The Forum agreed that:-

- i) the Scheme of Administration should replace the Local Licensing Forum's Constitution after updating by Ms Totney;
- ii) the new application form would be added to the website, along with the Scheme of Administration, further information about the Forum, and contact details for the Convenor – effectively creating an application pack;

- iii) all current members would be invited to reapply for their membership at or before the next meeting of the Forum on 10 June 2020;
- iv) the Convenor would be referred to as the Convenor, and not the Chair;
- v) the Forum would be responsible for writing to members if a member missed two consecutive meetings without good reason;
- vi) Council Officers would be responsible for removing members of the Forum due to non-attendance after three meetings without good reason;
- vii) a standing report of attendance would be brought to each future meeting, updated to include date of membership, and reasons for apologies (where provided), so that this could be used to manage the reapplication process (after a two year period) and the issue of membership removal reminders and letters due to non-attendance as stated above;
- viii) Working Groups would be exempt from the quorum rules but all decisions and work undertaken by Working Groups would require an official sign off by the Forum;
- ix) the application form and terms and conditions letter would be combined to further streamline the process;
- x) all reference to AGMs would be deleted from Forum administration, but office bearers would be elected every two years during the first Forum meeting of that year;
- xi) written reports would be requested from the Licensing Standards Officer and Police Scotland for each meeting, regardless of whether representatives were able to attend the Forum;
- xii) Ms Totney would contact the Clerk to the Licensing Board with a view to looking at ways to enhance the connection, involvement and communication between the Licensing Forum, and the Licensing Board; and
- xiii) Ms Totney would contact the Head of Communities and the Healthy Working Lives team to discuss the possibility of Forum members from these Council teams.

11. FUTURE TRAINING NEEDS AS REQUESTED BY ALCOHOL FOCUS SCOTLAND

The Convenor stated that there was a need for training for members of the Forum. Mr Thayers agreed to ask about the possibility of training as he was in regular contact with Alcohol Focus Scotland.

Decision

The Forum agreed to delegate the task of requesting training from Alcohol Focus Scotland to Mr Thayers.

12. ANY OTHER BUSINESS

The Forum agreed to continue this item until the next meeting.

13. AGREEMENT OF PROPOSED MEETING DATES, TIMES AND VENUES

The Forum agreed the following meeting dates, times and venues.

Wednesday 10 June 2020, 10am, Seaglass Inn, Port Seton

Tuesday 8 September 2020, 7pm, Brunton Hall

Wednesday 9 December 2020, 10am or 7pm, time and venue tbc

Wednesday 10 March 2021, 10am, venue tbc

POST MEETING NOTE: *Due to the public health restrictions imposed as a result of COVID-19, these meetings did not take place.*