



MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM

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THURSDAY 23 SEPTEMBER 2021
ONLINE (CONNECT REMOTE SYSTEM)

Forum Members Present:

Mr S Baxter
Mr D Dickson
Mr R Fruzynski
Mr A Podder
Mr G Blaikie
PC G Bairden

Council Officials Present:

Ms J Totney
Ms F Currie

Elected Members Present:

There were no Elected Members present at the meeting

Clerk:

Ms S Birrell

Visitors Present:

There were no visitors present at the meeting

Apologies:

There were no apologies recorded at the meeting

Declarations of Interest: There were no Declarations of Interest recorded at the meeting.

1. ELECTION OF OFFICERS FOR 2021-2023

In the absence of any proposals for the roles of Convenor or Secretary, Mr Dickson agreed to chair the meeting on a one off basis.

2. MINUTES OF THE MEETING OF THE EAST Lothian LOCAL LICENSING FORUM HELD ON 11 MARCH 2020 AND NOTE OF INQUORATE MEETING ON 10 MARCH 2021 FOR APPROVAL AND MATTERS ARISING

The minute was agreed as an accurate record of the meeting. There were no material matters arising.

3. MEMBERSHIP OF THE LICENSING FORUM

Ms Totney spoke to the item, informing those present that the new system for membership had been tested and was fully operational. Existing members would require to be reappointed by East Lothian Council every two years. In response to questions from Mr Dickson, she agreed to forward re-appointment instructions to all existing members by the end of October 2021.

Decision

The Forum agreed to note the verbal report.

4. LICENSING STANDARDS OFFICER REPORT

Mr Fruzynski referred the Forum to his report, which had been circulated with the papers from the meeting.

Decision

The Forum agreed to note the report.

5. POLICE REPORT

PC Bairden introduced himself as this was his first meeting of the Local Licensing Forum. He asked members if they had any suggestions for what to include in future reports from Police Scotland. Mr Dickson commented that the verbal reports on licensing activity undertaken by local police, and any issues in the area given by PC Bowsher in previous meetings had always been welcomed by Forum members. Ms Birrell recommended that PC Bairden accessed former meeting minutes to get an idea of the reporting carried out by police representatives.

Decision

The Forum agreed to note PC Bairden's comments.

6. ANY OTHER BUSINESS

Mr Dickson asked if members could request paper copies of meeting documents, and asked about members who had failed to attend a number of meetings remaining on the membership list. He also criticised the online meeting system which was prone to technical issues with sound and dropped calls.

Ms Birrell clarified, from the Forum's scheme of administration, that if a member was absent from three consecutive quorate meetings they would be automatically removed from the membership of the Forum.

Mr Fruzynski remarked that online meetings were necessary and would be continuing at this time. He added that the Scottish Government were currently looking into online vs face to face meetings or a hybrid of utilising both kinds, and that further guidance could be provided to Local Authorities as a result of these ongoing discussions.

Decision

The Forum agreed that Ms Birrell would contact East Lothian Council regarding providing paper copies of meeting documents on request.

7. AGREEMENT OF PROPOSED MEETING DATES/TIMES

The Forum took a roll call vote on the proposed future meeting dates/times of Wednesday 8 December 2021 at 7pm and Wednesday 9 March 2022 at 10am.

Vote

For	4
Against	1

Decision

The Forum agreed that the next two meetings would take place on Wednesday 8 December 2021 at 7pm, and Wednesday 9 March 2022 at 10am.

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LSO – Licensing Forum Notes 1st September 2021 to 30th November 2021

Coronavirus

Since the lifting of the majority of the temporary coronavirus restrictions in July and August 2021, the licensed trade has seen various changes in their trading models. Some have experienced further short term closures due to either coronavirus spikes or staff shortages due to positive virus tests, or the reduction in the available workforce. Many premises have reduced the number of days they open or reduced the hours they open. Prices have risen and a lot of people have not returned to going out or going out as much either due to concerns for their health and wellbeing, general rising costs in living or in my case having to wear face coverings and look at others wearing masks, which is just depressing.

The LSO and the police licensing officer still make visits to licensed premises on a needs basis for dealing with complaints and offences or completing enquiries into applications.

The Scottish Government website and Environmental Health officers continue to be the main sources of guidance on any temporary restrictions and rules on coronavirus prevention and reduction measures.

As coronavirus infection rates still give cause for concern most council officers continue to work from home. In relation to licensing administration, two licensing officers work in the John Muir House on a weekday basis. This position will be reviewed by management on an ongoing basis to ensure services are maintained and provided to a high standard.

Board Meetings

- As Licensing Standards Officer, I have been involved in the following applications etc. as presented at the Licensing Board:
 - **September Licensing Board 2021 – No Board.**

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- **October Licensing Board 2021 –**
 - **Provisional Licence Application – Monktonhall Service Station** - This was an application to licence the existing garage shop. The applicant was represented by Andrew Harper, Harper MacLeod solicitors. Mr Harper put forward on behalf of clients that although garages are excluded premises that the public rely on the shop as a source of food and other general goods and should be viewed as exempt in terms of the Act. Application granted.
 - **Provisional Licence Application – Musselburgh Service Station** - This was an application to licence the existing garage shop at 1 Edinburgh Road, Musselburgh. The applicant was represented by Andrew Harper, Harper MacLeod solicitors. Mr Harper put forward on behalf of clients that although garages are excluded premises that the public rely on the shop as a source of food and other general goods and should be viewed as exempt in terms of the Act. Application granted
 - **Major variation – Tantallon Golf Club** - This application relates to request to add off-sales facilities to the operating plan to allow members to use some of their unspent cash card credit to buy small amounts of alcohol to take home. Granted.
 - **The chief Constable’s Licensing Report to East Lothian Licensing Board for the period 1st April 2020 to 31st March 2021.** Not presented as schedule due to Inspector Fletcher having to deal with an operational issue. PC Bairden will answer any questions the Forum may have on this topic.
 - **Festive General Extension to Licensed Hours**
At the East Lothian Licensing Board meeting on Thursday 28th October 2021, the Convenor, John McMillan announced the following extensions:

The Board permits on consumption premises to extend their normal core hours to 2am on the following dates in respect of the 2021 festive period:

This extension will only apply to on-sales and not to off-sales of alcohol.

24th December - Christmas Eve
25th December - Christmas Day
26th December - Boxing Day

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31st December - Hogmanay

1st January - New Year's Day

There will be no general extensions beyond this although any applications for extended hours outwith the general extension will be considered on a case-by-case basis. It should be noted that such applications will require to be submitted no later than 1st December each year.

There is no need for licensees to apply for the general extension to 2am on the 5 dates shown above. On sales premises can utilise these hours to the extent they considered appropriate.

- **November Licensing Board 2021 –**
 - **Major Variation – Hallhill Healthy Living Centre -** Application by the operating company, on behalf of the owners, Dunbar Community Development Committee, to change the name of the premises to Hallhill Sports Centre, to add off-sales to the operating plan to permit visiting customers, such as football or rugby supporters or teams, and the like to purchase small takeaways. Permission was also requested to alter the layout plan to increase the size of the main café/restaurant area and include an outdoor seating area. Granted.
 - **Provisional Premises Licence – Newhailes Estate House and gardens –** to operate a licensed café and events on the green at the front of the big house, stables courtyard and café. Granted with an amended condition that children be supervised at events after 20.00 hours.
 - **Provisional Licence - The Tipsy Truffle, 59 High Street, Dunbar –** to sell liqueurs and artisan drinks predominantly with chocolate products. Sales would include on-line and over the counter purchases, and a delivery service would be operated once the shop gets up and running. Granted.
 - **Transfer of Premises Licence – 179 North High Street, Musselburgh.** The police objected to the application on the grounds that the applicant was concerned in an ongoing case that is the subject of a report to the Procurator Fiscal. The Board elected to defer a decision on the application until the outcome of any court proceedings was known.

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- **During the period 1st September to 30th November 2021, the LSO and police dealt with the following:**

Description of Licensing Activity	Red Nos = figure for last 3 months to 30/11/2021
Applications for Premises Licence	00 (01) (01) (01) (00) (00) (00) (00) (00) (00) (00) (01) (00) (00) (01) (00) (02) (03) (00) (01) (00) (00)
Provisional Licence Applications	11 to date in 2021 02 (03) (01) (03) (02) (05) (00) (02) (01) (01) (03) (01) (04) (03) (02) (00) (00) (02) (02) (00) (00) The two applications relate to: <ul style="list-style-type: none"> • The Topsy Truffle • Newhailes Estate
Confirmations	05 (01) (01) (03) (01) (00) (02) (00) (00) (00) (00) (01) (00) (01) (01) (00) (01) (00) (01) (01)
Applications for Major variation of Premises Licences	13 to date in 2021 01 (05) (03) (03) (05) (00) (05) (01) (04) (02) (06) (08) (04) (04) (05) (04) (03) (02) (04) This application related to Tantallon Golf Club – addition of off-sales facility.
Minor Variations of Premises Licences	51 to date in 2021 (44 in 2020) (20) (23) (12) (12) (12) (17) (17) (16) (17) (19) (16) (19) (25)(19)(16)(12)(18)
Premises Licence Reviews	00 in the last quarter (01 in 2020) (00) (00) (00) (00) (00) (00) (00) (01) (00) (02) (003) (00) (00) (00) (00) (02) (01) (00) (0) (12) (01)
Personal Licence Review –	00 in the last quarter (00) (00) (00) (00) (00) (00) (00) (00) (01) (00) (00) (00) (00) (00) (00) (02) (01) (00) (00) (01)
Licences Surrendered	01 – November 2021 (04 in 2020) (00) (01) (00) (00) (00) (01) (00) (00) (00) (00) (00) (00) (04) (01) (00) (01) (04) RS McColl, High Street, Haddington.
Applications for Occasional Licences	650 applications to 26/11 for 2021

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	<p>(147 to 29/02/2020) (177) (146) (275) (52) (135) (187) (192) (120) (115) (139) (162) (111) (113) (116) (165) (110) (88) (177) (078)</p> <p>Total for the whole of 2020 was 476 Total for whole of 2019 was 636 Total for whole of 2018 was 626</p>
Applications for Occasional Extensions	<p>17 applications to date for 2021 (06 to 29/02/2020) (09) (21) (16) (02) (11) (16) (12) (04) (06) (17) (26) (04) (05) (16) (19) (05) (04) (07) (05)</p> <p>Total for whole of 2020 was 06 Total for whole of 2019 was 52 Total for whole of 2018 was 44</p>
Transfer of Licences	<p>Transfers applied for in 2021 so far total 09</p> <p>10 to 29/02/2021 (02) (02) (01) (02) (11) (01) (04) (05) (07) (05) (01) (02) (02) (03) (02) (00) (12) (03) (03) (02)</p>
Complaints received	<p>Complaints in the last quarter = 09</p> <p>16 to 30/11/2021 17 to 29/02/2021 (06) (06) (18) (11) (04) (15) (16) (10) (09) (02) (07) (03) (07) (13) (10) (05) (03) (09) (16) (02)</p> <p>Complaints mainly to do with loud music, general noise and 1 litter.</p>

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Provisional Licences – the following licences have been updated since the last meeting:

Provisional Grant Date	Premises	Comments re Section 50 Cert.	Confirmed
22/06/2017	Falko, 91 High Street, Haddington		Provisional expired - Not confirmed as 4 years ran out in June 2021
28/01/2021 (2 nd extension of one year)	Italian Restaurant, 10-12 Court Street, Haddington		Current extension to Provisional Licence runs out in March 2022
25/10/2018	The Works, Implement Road, West Barns	Possible change of use required.	
29/08/2019	Thomson's of Tranent		
26/09/2019	Fidra Gin, Kilduf	Planning issues to be resolved.	
26/09/2019	Whitekirk Hill		
31/10/2019	Iceland, Gateside Commerce Park, Haddington		Confirmed October 2021
28/11/2019	Aldi, Gateside Commerce Park, Haddington		Confirmed October 2021
July 2020	Chip Shop, 57 Eskview Terrace		
27/02/2021	Indian restaurant, 102 New street, Musselburgh		Confirmed 01/1/2021
27/02/2021	Margiotta, 6d hall Crescent, Gullane		Confirmed September 2021
27/02/2021	The Harbour Chapel, Victoria Street, Dunbar		Confirmed 02/09/2021
22/04/2021	8c Links Road, North Berwick		
22/04/2021	Barney's Coffee Shop, High Street, East Linton		

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29/06/2021	Carlyle Café, High Street, Haddington		
24/08/2021	The Cheese Lady, Court Street, Haddington		
28/10/2021	Monktonhall Service Station		
28/10/2021	Musselburgh Service Station		
24/08/2021	Home Bargains, Haddington Retail Park		Confirmed 14/10/2021
26/11/2021	Newhailes Estate		
26/11/2021	The Topsy Truffle		
Section 50 Certs	Outstanding at 30/11/2021	13	

The Forum Website

The website was updated in November 2021. The domain name fees have been paid for the next three years.

Topics for Future Discussion:

The Forum may wish to discuss the following topics.

Occasional Licences – applications for predominantly Children and Young Persons events. There have been no events referred to the Board since the new policy was implemented in November 2018. Does this mean that this section in the Statement of Licensing Policy is redundant and requires removal? OR what type of events should be referred to the Board for determination. At present if the LSO and Police have no objections to any application this results in automatic grant.

Capacity – what does it mean? The recent LA Guidance notes makes the issue no clearer. Capacity is required to be taken into account when determining Premises Licence applications on overprovision. Alcohol Focus Scotland, in their response to the guidance consultation, asked for clarification. As yet there has been no response from the Scottish Government. In the latest case of the major variation for Lidl Prestonpans there was much discussion about how the display capacity was calculated.

Marketing the Forum – When Elizabeth Oldcorn left, she was working on proposals to market and publicise the Forum and its meetings. How do we

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move forward with this and who will take on the responsibility? We currently have 8 members, of which 3 are statutory, namely LSO, NHS, and Police.

Policy - A Statement of Licensing Policy review will commence after the next local council elections in May 2022. The Board then has 18 months in which to publish their new policy. It may be worthwhile for the Forum to work through the current policy, a section at a time, well in advance of the due date, in order to prepare the necessary consultation response without the need to have a working group, which was quite demanding on members' time last time round. The new Licensing Forum Training document provides a wealth of guidance on the content of policy statements.

The Licensing Board Annual Report 2020/21 was published in November 2021.

Licensing Forum Training - Alcohol Focus Scotland has completed the review of local licensing forum training. Consideration is now being given to the method of delivery of the new package.