



MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM

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WEDNESDAY 31ST AUGUST 2022
MERCAT GRILL

Forum Members Present:

Mr G Blaikie
Mr S Baxter
Mr D Dickson
Ms K Harling
Mr R Ross
Mr J Thayers

Council Officials Present:

Ms F Currie
Ms M Scott

Elected Members Present:

Councillor Bruce
Councillor McMillan

Clerk:

Ms F Currie

Visitors Present:

There were no visitors present at the meeting

Apologies:

Mr G Bairden
Mr A Podder

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

1. ELECTION OF OFFICERS FOR 2022/23

Mr Blaikie proposed Mr Dickson for the role of Convener and this was seconded by Mr Ross. Mr Dickson agreed to take on this role until next year. No Secretary was elected.

Mr Dickson thanked everyone for their attendance at today's meeting.

2. MINUTES OF THE MEETING OF THE EAST LOTHIAN LOCAL LICENSING FORUM HELD ON 23RD SEPTEMBER 2021 AND NOTE OF INQUORATE MEETING ON 9TH MARCH 2021 FOR APPROVAL AND MATTERS ARISING

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

3. LICENSING STANDARDS OFFICER REPORT

Ms Harling stated she was appointed LSO at the start of June 2022 and had attended two Licensing Board meetings in this role. Ms Harling spoke to her report, which had been circulated with the papers.

Councillor Bruce asked if Ms Harling had looked the reasons for occasional licence requests e.g. whether for specific events or for day to day running of businesses. Ms Harling confirmed that these licenses were being requested for both reasons and as there had been a spike in weddings taking place due to COVID delays, more occasional licenses were being requested. Ms Harling added that other events, such as pop up events were taking place due to companies' trialling new events post-COVID. Ms Harling added that demand for new outdoor venues was still high and this had also increased licence requests.

Ms Harling noted there had been a small increase in occasional license extension requests and overall complaints had increased due to premises being closed for a long time and now reopening post COVID. In general, people seemed to have less tolerance for noise coming from neighbouring premises. Ms Harling also commented on changes in behaviour – with people now going out for an evening's entertainment rather than just a drink in a pub. This has led to more premises hiring bands as entertainment Mr Dickson agreed, referring to an increase in the number of events being hosted at his local bowling club in an effort to attract more customers. Mr Dickson added that a number of places were applying for outdoor licenses to create beer gardens and make their venues more appealing.

Ms Harling explained that when occasional licenses were granted they were hard to take action against. Ms Harling added that a lot of venues wished to extend their license area but then did not have permission to use the land.

Ms Harling stated that if a premises were granted a tables and chairs permit then it is out with the Board's powers to refuse this as it has different rules and regulations.

Ms Harling highlighted difficulties with the current Forum website and added that she may need to set up a new one. She invited suggestions from members on its content and how best to promote it. Mr Thayers suggested that a new forum website should follow the previous template as this covered all relevant information.

Ms Harling said that she has been raising awareness of the Forum during her visits to premises but that further promotion was required to reach all premises in East Lothian. Councillor McMillan agreed that the Forum needed to be better publicised and wider membership

encouraged. He added that the licensing policy required review within 18 months of the local Government election and the Forum would be involved in this.

All members were in agreement that more needed to be done to encourage new members into the Forum, with a conscious effort made to encourage younger people to join. Suggestions were made regarding promotion of the Forum in secondary schools and linking in with Queen Margaret University.

Mr Dickson explained that previously the Forum had met in different locations around the county to encourage attendance but finding suitable venues had not always been easy.

Mr Baxter stated that following on from COVID, the cost of living rise and the energy crisis, now was a good time for the licensing trade to be represented and have an influence on the review of licensing policy. Mr Baxter added that better communication between trade organisations would be beneficial to see what help and assistance was available to sustain businesses during this difficult period.

Ms Harling reported that a few premises owners have made her aware of issues recruiting and retaining staff which had impacted on their ability to safely operate and had led in some cases to reductions in opening hours.

Mr Ross agreed giving his own business as an example of early closure due to lack of business and staff. He asked for clarification on whether he needed to remain open during his licensing hours. Ms Harling confirmed that if it was not profitable for his premises to be open then he could close and this information was available in the statement of policy. Ms Harling said she would be happy to join a working group on the review of licensing policy which would allow Forum members to feedback their views to the Board. Mr Thayers confirmed that there was a working group set up for the last review of policy and a comprehensive document had been written up and submitted to the Board but they had not responded.

Mr Thayers noted that there was no longer a health representative on the Forum and that they previously had a leading role.

Members discussed the increase in off sales and home delivery and highlighted a few key issues:

- 70% of alcohol consumed is off sales and this looks as though it increase even further due to economic pressure and the impact of COVID.
- The Covid Recovery Act 2020 is due to expire in September. If businesses wish to continue offering the delivery of alcohol they will need to make an application for a major variation change to their operating procedures by December 2022.
- Members were concerned about large businesses such as Amazon continuing to offer the delivery of alcohol and how they could ensure their delivery drivers were checking the recipients of these items were over 18. The same concern was shared around drivers delivering alcohol for supermarkets and who is responsible for providing the alcohol, the driver or the supermarket.
- Members were concerned that some supermarkets are looking to extend their alcohol selling areas when already local businesses cannot match them in off sales.

Ms Harling said it was her intention to write up a new Covid Recovery document for the website as the current one was outdated. This new document would highlight the changes that licensees need to make.

Decisions

The Forum agreed:

- Ms Harling was to try to gain access to the current forum website or create a new one using the same template as the previous LSO.
- Ms Currie was to follow up with Jim Sherval in NHS Lothian to identify a new health representative for the Forum and to copy Carlo Grilli and Councillor Bruce in to all correspondence.
- Ms Harling to write up a new COVID Recovery document for the website.
- At the December meeting, to consider setting up a working group for the review of licensing policy.

4. POLICE REPORT (VERBAL)

PC Bairden was not present and had not submitted a written report.

He had requested that Forum members be consulted on the type or information they would like to see in future written reports.. Ms Currie would take suggestions from members at today's meeting or alternatively they could email her this information.

The following suggestions were made:

- Alcohol related anti-social behaviour statistics; this would include issues where alcohol was a marker in domestic violence incidents.
- Alcohol seizures from underage drinking; this would include which local area if it was in a licensed venue or a public place and if the use of fake ID was involved.
- Alcohol related illnesses, including serious illness and deaths.

Mr Thayers said that the NHS reported their statistics annually and the most recent year showed 12 alcohol deaths within East Lothian; down from 19 the previous year. There were 18 alcohol deaths reported in Midlothian, 40 in West Lothian and 102 in Edinburgh. Mr Thayers stated that these deaths were a result of alcohol consumption and the number of deaths from longer term alcohol use would be much higher.

5. SCOTTISH GOVERNMENT LOCAL LICENSING FORUM SURVEY 2022

Ms Currie informed members of the recent survey circulated by the Scottish Government and asked for a volunteer to complete this on behalf of the Forum. Alternatively, members could provide comments on the survey questions by e-mail and she would collate and submit a response on behalf of the Forum. The survey could be completed online and would be open until the end of September..

Mr Thayers offered to complete the survey on behalf of the Forum members.

Decision

The Forum agreed that:

- Mr Thayers would complete the survey on behalf of the Forum.

6. ANY OTHER BUSINESS

Ms Currie made the Forum aware that the joint meeting with the Board would take place on 22nd September. This meeting would take place online. Ms Currie asked members to email her with any items they would like to include on the agenda.

Mr Blaikie asked if a flyer could be made for the Forum including upcoming meeting dates to encourage new people to attend. Mr Thayers asked if the Forum had a budget to cover publicity and Ms Currie advised that she was not aware of any specific budget for this work but suggested that Ms Harling check whether monies might be available from within licensing budgets. Ms Currie added that East Lothian Council had an active Twitter feed and it might be possible to advertise the Forum there.

Decision

The Forum agreed:

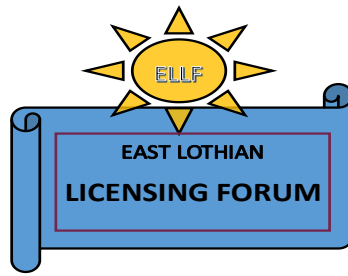
- Ms Harling would look at creating a flyer to advertise the Forum.
- Mr Blaikie would find out how Edinburgh and Glasgow Councils advertised their Licensing Forums.

7. AGREEMENT OF PROPOSED MEETING DATES/TIMES

Ms Currie explained the arrangements for the joint meeting with the Licensing Board and Forum on 22nd September. She also asked members to consider the proposed date for the next Forum meeting and to agree a suitable venue..

Decision

The date of the next Licensing Forum was confirmed for 10am on Wednesday 30th November 2022 in the Mercat Grill, Whitecraig.



LSO – Licensing Forum Notes 20th August 2022 – 14th Nov 2022

Board Meetings

As Licensing Standards Officer, I have been involved in the following applications etc. as presented at the Licensing Board:

○ August Licensing Board 2022

- **Provisional Premises Licence** – Prawn Wild, The Mart, East Linton – application for off sales only in the farm shop. Granted by board.
- **Occasional Licence Applications – Buck and Birch, Unit 9, Merryfield Business Centre, Macmerry** – The premise has been operating on occasional licence since 23rd Nov 2020. Further applications were received to licence the premises using occasional licences from 28th August – 5th January 2023. As per board policy that repeat occasional licence for the same premises, for activities that have been occurring over a 3 month period will not be granted by delegated powers the applications were referred to the board hearing. The board asked the applicant to move forward with a premises licence application on the guidance of the LSO and granted licences until the board in Oct 2022.
- **Premises Licence Review and Personal Licence Review – No 5 Duke Street, West Barns** – Held in private. Premises and personal licence revoked.
- **Personal Licence Review – William** – Held in private and adjourned. Personal licence later surrendered.

○ September Licensing Board 2022

- **Provisional Premises Licence** – Winton Brewery Tap Room, Station Yard Industrial Estate, Haddington – application for on and off sales. Granted by board.

- **October Licensing Board 2022**

- **Occasional Licence Applications – Buck and Birch, Unit 9, Merryfield Business Centre, Macmerry** – Further to the above the board asked for an update on the progression of the premises licence. Hold ups in relation to layout plan and S50 certificates detailed. Occasional licences granted until Jan 2023 and awaiting premises licence application.

- **November Licensing Board 2022 – Agenda – to be held 24th Nov**

- **Major Variation – Bear & Bull, High Street, Dunbar** – application to modify premises to be a café by day and bar/cocktails by evening. Addition of outside seating area and children and young person access.
- **Major Variation – Premier Store, Muirfield Drive, Tranent** – change in layout to include beer cave and extension of alcohol display. Addition of deliveries of food and alcohol through use of the Snappy shopper app/platform.
- **Major Variation – Haddington Wines and Whiskies, High Street, Haddington** – Addition of deliveries of food and alcohol through use of the Snappy shopper app/platform.
- **Major Variation – Day Today, High Street, Haddington** – Addition of deliveries of food and alcohol through use of the Snappy shopper app/platform.
- **Any non-payment of annual fees – currently 2 premises**

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| Premises Licences Surrendered | <p>1 licence surrendered to date in 2022</p> <p>(01 in 2021)(04 in 2020) (00) (01) (00) (00) (00) (01) (00) (00) (00) (00) (00) (00) (04) (01) (00) (01) (04)</p> |
| Applications for Occasional Licences | <p>767 to date in 2022</p> <p>(695 in 2021) (476 in 2020) (636 in 2019) (626 in 2018)</p> |
| Applications for Occasional Extensions | <p>26 applications to date for 2022</p> <p>(20 in 2021) (06 in 2020) (09) (52 in 2019) (44 in 2018)</p> |
| Transfer of Licences | <p>5 transfers applied for to date in 2022</p> <p>These referred to: Scotsman 179 North High Street, Musselburgh The Tower Inn, Church Street, Tranent & Day To Day, Redburn Road, Prestonpans The Creel, Dunbar The Bothy, East Saltoun</p> <p>(10 transfers in 2021)</p> |
| Complaints received | <p>33 known to date 2022</p> <p>(17 in 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.</p> |

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

| Provisional Grant Date | Premises | Comments re Section 50 Certs. | Confirmed |
|-------------------------------|---|--|------------------|
| 29/08/2019 | Thomson's of Tranent High Street, Tranent | Planning issues to be resolved. | |
| 26/09/2019 | Fidra Gin, Kilduf | Planning issues to be resolved. | |
| 26/09/2019 | Whitekirk Hill | Issues in relation to activities missing | |
| July 2020 | Chip Shop, 57 Eskview Terrace | No update | |
| 22/04/2021 | Wine Wednesday, North Berwick | No update | |
| 29/06/2021 | Mazolli, High Street, Haddington | No update | |
| 28/10/2021 | Monktonhall Service Station | No update | |
| 26/11/2021 | Newhailes Estate | No update | |
| 26/11/2021 | The Topsy Truffle | No update | |
| 31/03/2022 | Broxmouth Courtyard | No update | |
| 25/08/2022 | The Mart, East Linton | No update | |
| 27/10/2022 | The Tap Room, Haddington | No update | |
| Section 50 Certs | Outstanding at 14/11/2022 | 12 | |

Topics for Forum Discussion:

The Forum may wish to discuss the following topics.

The Forum Website

The current forum website has been updated to show the change in LSO. A new website that forms part of the council webpages is to be created in early 2023 that will prevent the access issues we have had with a changeover of personnel. It will contain the same information, however I would like to invite the Forum to discuss and additions to this platform they feel would be useful.

Occasional Licences – Occasional Licence numbers have been extremely high this year. As detailed at the previous meeting the LSO has made a representation to the board in relation to one premises for the grant of any subsequent occasional licences as per board policy as the licences cannot be granted under delegated powers. The statement of licensing policy states that occasional licences for the same premises should for a period over 3 months are to be heard by the board. As a result all premises that are operating on occasional licences that intend longer term use have been visited and asked to progress with premises licence applications.

Climate Change Strategy – In relation to the East Lothian Council Climate Change Strategy views of the forum in relation to single use plastic and other alternatives such as deposits for a reusable cup in the trade would be of value.

Marketing the Forum – The LSO has been promoting the forum whilst on visits and it is hoped that the new website for 2023 will attract more traffic.

Policy - A Statement of Licensing Policy review will commence after the next local council elections on 5th May 2022. The Board then has 18 months in which to publish their new policy. To be discussed in separate agenda item.

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. This is still ongoing and the LSO will enquire.

UPDATE - Covid Recovery and Licensing – As discussed at the last meeting a document with the changes has been uploaded on to the council licensing pages.

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Licensing Board Initial Consultation – November 2022

Introduction

The Board is looking for your views on what works well, what could be improved or what you would like to see included in the updated policy. The Board has highlighted some areas where they are particularly interested to hear opinions but would welcome comments on all aspects of the current policy:

- Current licensed hours – particularly for premises providing on sales
- Extension of licensed hours applications – use of Extended Hours applications, and the extension of hours during the Festival and festive periods
- Children and young persons access to on sales licensed premises
- Temporary licensing – including the use of occasional licences for one off events or short periods, and the ability to apply for an unlimited number of these
- Overprovision – whether certain streets or communities, or areas of the East Lothian have too many licensed premises on sales and/or off sales, in terms of numbers and capacity of licensed premises
- Outside area use – type of use and regulation
- Deliveries from on and off sales premises

The current policy can be downloaded here -

https://www.eastlothian.gov.uk/downloads/download/12780/east_lothian_licensing_board

Alternatively the questionnaire can be completed at -

https://eastlothianconsultations.co.uk/council-resources/east-lothian-licensing-board-consultation-review-o/consult_view

1) Your details

| | |
|---|--|
| First name | |
| Surname | |
| Email Address | |
| Postcode | |
| Do you consent to being contacted about this consultation | Yes/No |
| Are you responding as an individual or organisation? | Individual <input type="checkbox"/> Organisation <input type="checkbox"/> |
| Organisation name | |

2) Current Licensed Hours

The Board are interested to hear opinions on current licensed hours, particularly for premises providing on sales. Please refer to **Section 17.0** in the current Statement of Licensing Policy.

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| What works well with the current licensed hours? | |
| What could be improved upon? | |
| What else would you like to see included under this section in the updated policy? | |

3) Extension of licensed hours

The Board are interested to hear opinions on extension of licensed hours, including use of Extended Hours applications and the extension of hours during the Festival and festive periods. Please refer to **Section 18.0** in the current Statement of Licensing Policy.

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| What works well with the extension of licensed hours? | |
| What could be improved upon? | |
| What else would you like to see included under this section in the updated policy? | |

4) Children and young persons access to on sales licensed premises

The Board are interested to hear opinions on children and young persons access to on sales licensed premises. Please refer to **Section 15.0** in the Statement of Licensing Policy.

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| What works well with children and young persons access to on sales licensed premises? | |
| What could be improved upon? | |
| What else would you like to see included under this section in the updated policy? | |

5) Temporary/Occasional Licensing

The Board are interested to hear opinions on temporary licensing, including the use of occasional licences for one off events, short periods or outside areas and the ability to apply for an unlimited number of these. Please refer to **Section 19.0** in the Statement of Licensing Policy.

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| What works well temporary/occasional licensing? | |
| What could be improved upon? | |
| What else would you like to see included under this section in the updated policy? | |

6) Overprovision

The Board are interested to hear opinions on overprovision, including whether certain streets or communities, or areas of East Lothian have too many licensed premises, in terms of numbers and capacity of licensed premises. Please refer to **Section 21.0** in the Statement of Licensing Policy.

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| What works well in relation to the current overprovision policy? | |
| What could be improved upon? | |
| What else would you like to see included under this section in the updated policy? | |

7) Outside area use

The Board are interested to hear opinions on the use of outdoor area use at licensed premises. Please refer to **Section 27.0** in the Statement of Licensing Policy.

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| What works well outside area use? | |
| What could be improved upon? | |
| What else would you like to see included under this section in the updated policy? | |

8) Deliveries of alcohol

The Board are interested to hear opinions on the use of outdoor area use at licensed premises. Please refer to **Section 32.0** in the Statement of Licensing Policy.

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| What works well in relation to alcohol deliveries? | |
| What could be improved upon? | |
| What else would you like to see included under this section in the updated policy? | |

9) Other comments

Please provide any other comments you have about the current policy.