



## MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM

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WEDNESDAY 30<sup>TH</sup> NOVEMBER 2022  
MERCAT GRILL

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**Forum Members Present:**

Mr G Blaikie  
Mr S Baxter  
Mr D Dickson  
Ms K Harling  
Mr J Thayers  
Mr A Podder  
PC G Bairden

**Council Officials Present:**

Ms M Scott

**Elected Members Present:**

Councillor McMillan

**Clerk:**

Ms M Scott

**Visitors Present:**

Ms S Fitzpatrick

**Apologies:**

Mr S Baxter

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

## **1. MINUTES OF LOCAL LICENSING FORUM 21<sup>ST</sup> AUGUST AND MATTERS ARISING**

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

David Dickson, Chair said the Forum usually received a copy of the Police Constable's report but he has not received this. PC Graham Bairden agreed to send a copy of this to Mr Dickson.

John Thayers completed the survey and submitted it on behalf of the Forum.

## **5. ANY OTHER BUSINESS**

It was agreed that Sheila Fitzpatrick, Team Leader – Licensing and Landlord Registration would give an update on Forum Membership under "Any Other Business" as Item 2 as she was unable to stay for the entirety of the meeting.

Ms Fitzpatrick explained that the Scheme of Administration states that current Forum members need to reapply for their membership every two years and so far this has now been happening so she asked all members to complete an application form and leave with Karen Harling, LSO at the end of the meeting. Ms Fitzpatrick added Ms Harling had agreed to look at ways of recruiting new members so this is something she would be working on alongside Ms Harling and would also contact current members who were not in attendance. Ms Fitzpatrick noted the Scheme of Administration states if a member has two non-attendances they should receive a reminder letter and if they have three then they would be removed as a member but this has not been followed. Ms Fitzpatrick went through the current list of members she had been provided with and updated this accordingly. She left her contact details for members to reach her if they had any questions; [sfitzpatrick1@eastlothian.gov.uk](mailto:sfitzpatrick1@eastlothian.gov.uk) and 01620 820 623.

It was noted that the maximum number of members allowed on the Forum is 21 and the statutory members of the LSO and the police are included in that number. Ms Harling added that would be beneficial to have members from a range of business and areas within East Lothian on the Forum. Ms Fitzpatrick confirmed it would be herself, the Head of Democratic Services and Carlo Grilli, Service Manager who would take responsibility for recruitment.

Mr Dickson stated the turnout for the Forum has not been what he would like for some time and something drastic needed to be done to boost numbers. Ms Fitzpatrick stated the Scheme of Administration allows for 16 and 17 year olds to join the Forum so she suggested trying to get schools involved. John Thayers explained this had been tried before with Queen Margaret University but it wasn't very successful and he felt young people would find the structure and format of the Forum dull. Arinder Podder added the students within QMU would find the Forum hard to follow due to their time schedules and classes. Mr Dickson explained the Forum had moved round the county in the hope it would encourage people to attend but this was not successful. Ms Fitzpatrick agreed to chat with Ms Harling and the Committees Team for ideas around a recruitment drive and advertising the Forum on the website and via social media.

## **2. POLICE REPORT (VERBAL)**

PC Bairden announced he is retiring in two weeks and due to COVID-19 and Forum meetings not being quorate this was only the second meeting he had attended. PC Bairden asked Forum members what role they wanted the police to take and want information other than facts and figures members would find helpful. Mr Thayers suggested providing information on alcohol related harm within communities such as antisocial behaviour, issues of violence between partners where alcohol was a marker as alcohol consumption has increased since COVID and any issues that were already there may have been exacerbated.

Mr Podder stated that reported spiking incidents in the local area have increased so he would find information on local area drug use, drug trends, any known vulnerable students and any sexual violence related to alcohol or spiking beneficial. Mr Podder added that within the last four months he had banned over 20 people from his premises for trying to use drugs.

Mr Dickson reported that visits to licensed premises had been cut back and thought bringing back impromptu visits to premises would make a difference to drug use. Mr Dickson added that premises managers could conduct checks on the toilets every so often inspections from the Police would have a bigger impact. PC Bairden agreed that a couple of officers popping their head into a premises can stop these issues before they even start so will pass this information onto PC Dougie Wardell so has a specific interest in this.

Ms Harling stated that information on hotspots within East Lothian relating to violence would be helpful along with stats on off sales and underage sales.

Mr Dickson said they were not able to a presentation of their Silver Award due to COVID and was told their gold award was postponed indefinitely so they have been unable to move up. He added that premises used to regularly receive campaign posters from the Police but now most of the ones he has are outdated. Mr Dickson stated he is aware posters would not be seen as a priority but if they are seen by customers as soon as they enter a premises it would help. Mr Podder said he Google's posters himself such as challenge 25 and drug policies as he had not received anything from the previous LSO for some time. Ms Harling explained there are currently no new campaigns running but any drug related posters are available on the Forum website to be printed off by premises.

Mr Podder explained that since COVID hit he had gained more local area customers and it is them who are causing the most issues rather than students of QMU. Mr Podder's premises is open to the public 8:30-11pm 7 days a week but he does have a license until 1am on Fridays, Saturdays and Sundays so the premises can be booked for parties. Mr Podder stated the premises also offers food so people cannot be asked for ID on the door but there is a policy that under 16s must be accompanied by an adult and over 16 you can enter alone for food. Mr Podder explained that if there is a drug related incident he would report it to the University Manager and then the Security Team take the next steps so he would need to check with them if each incident was reported to the Police. PC Bairden stated that the Police should be called at the time of the incident happening as they are more likely to catch the person and it would give out the message that this won't be tolerated. PC Bairden added that if each incident is reported via 101 then records can be kept to help with statistics so that there is proof of an issue and it can be targeted. Mr Podder agreed to pass this onto his staff.

PC Bairden informed members he was unsure who would be replacing him as his official leaving date wasn't until the middle of January so a replacement cannot be made until then.

**Decisions:**

- PC Bairden to feedback what information Members would like to see from the Police going forward.
- Mr Podder to let his staff know to report all drug related incidents to the Police at the time of the incident.

**3. LICENSING STANDARDS OFFICER REPORT**

Ms Harling spoke to her report giving an update from the August, September, October and November Licensing Board meetings including information on license applications, licenses granted, licenses surrendered and complaints received. Ms Harling stated numerous premises

had started to use the Snappy Shopper app to allow for deliveries of items from their premises including the delivery of alcohol. Ms Harling said this app is a far better platform than others as staff work for the specific premises and need to complete the same two hour training a staff member working in a bar would before they can sell alcohol. The app also shows what ID could be accepted for age verification and the customer's date of birth has to be manually entered into the app to allow the sale. If ID cannot be provided then the alcohol is returned to the door immediately whereas apps such as Just Eat and Deliveroo could have drivers delivering from numerous premises and the alcohol would remain with the driver.

Mr Thayers stated when young people were consulted on this they said it was easier and less rigorous checks when purchasing alcohol online instead of within a supermarket. Mr Podder explained his premises used to use a system on their tills that flagged up asking "have you checked ID" and you had to click yes before being able to proceed with the sale. Ms Harling stated that with the Snappy Shopper app puts the onus on the individual delivering the alcohol and brought a level of accountability as well as having an electronic record of what happened at the customer's door. She added it would be hard to check this was done correctly from an LSO point of view other than trying a test purchase. Ms Harling confirmed she was going to contact other authorities for their processes on this.

Mr Podder noted there have been no test purchases carried out at QMU in four years whereas previously they had around four per year. PC Bairden explained test purchases used to be done fairly regularly but there is so much legislation and surveillance required which all needs to be authorised and due to COVID and resources these have not been getting carried out. Pc Bairden stated these were not excuses and test purchases could be done if there were concerns reported to the Police that would encourage them.

Mr Thayers said young people have reported large supermarkets had been good at following procedures on selling alcohol so they would not try to purchase from there and instead went to small shop keepers but he added the main concern was children were getting alcohol purchased for them from parents and friends. Mr Thayers noted a lot of parents have the view "it is better I am buying it for them so I know what they are drinking".

### **Forum Website**

Ms Harling reported she had gained editor rights for the Forum website but it was still currently in the previous LSO's name so the decision has been made to let his lapse and create a new Forum site built into the main Council website. She explained this meant if she was to leave her post or was off on sick leave other members of staff could still access the site and keep it up to date. Ms Harling asked Members to get back to her with any content they would like to see on the Forum site as this was a good opportunity to start fresh.

### **Deposit Return Scheme**

Mr Podder stated he spoke with his manager about the new scheme and they are unsure how bigger venues will manage this as on a Karaoke Night at QMU they could have around 380 people attending and plastic cups cannot be used due to spiking risks. Ms Harling noted that some occasional licences come with the condition to use single use plastic which is outdated and will need to be thought about for the policy rewrite. Graham Blaikie noted he was attending a zoom call relating to this issue tomorrow and would feedback to the Forum as at the minute 97% of premises have said they are unprepared for the deposit return scheme.

### **Marketing the Forum**

Ms Harling is hopeful the new Forum site will help with marketing the Forum to new Members and said it will be easier to create a flyer to hand out when the new site is up and running as some information needs to be updated before a push is done on recruitment.

### **COVID Update**

A document with changes has now been uploaded to the Council website as per the action point from the previous meeting.

#### **Decisions**

- Mr Blaikie to update the Forum after his zoom meeting in relation to the Deposit Return Scheme.

#### **4. CONSULTATION AND REVIEW OF THE EAST LOTHIAN LICENSING BOARD STATEMENT OF LICENSING POLICY**

Ms Harling reported the consultation and review of the East Lothian Licensing Board Statement of Licensing Policy has been started and consultation letters had been sent to the NHS, Police and MELDAP to request information. A questionnaire has also been sent out and is available online but so far there had only been one response. Ms Harling has asked for opinions and review of the current policy before drafting a new policy and has asked people to look at the areas highlighted within the questionnaire. Ms Harling said if Members would like a working group to be set up again she would be happy to facilitate this and informed Members she has asked the Board for an in person meetings in February or March to discuss this which she hoped would be helpful.

Ms Harling explained she contacted Iain Gorman in the hope to get engagement from him in terms of health statistics on overprovision. Ms Harling has put forward a restructure of the policy including hyperlinks which make it more user friendly, cut the amount of information focusing mostly on the rules and how the Board operates and included links to relevant forms. Ms Harling said she aimed to get the restructured document into the Board before the summer recess for approval so any issues could be ironed out and it would be implemented by the October Board meeting.

Mr Thayers stated the Board have to make a formal response and last time they did not do this, even after being chased to inform them they hadn't responded.

Ms Harling reported that young people's views are underrepresented and an authority in Glasgow wrote out to schools to engage 5<sup>th</sup> and 6<sup>th</sup> year pupils by creating a work pack for them to complete. Ms Harling offered to write out to high schools in East Lothian and suggest doing the same but she still needed to clear this with the Head of Education.

#### **Decisions**

- Ms Harling to send out the full statement of Licensing Policy to all including the previous response from the Forum.
- Ms Harling to speak with the Head of Education about writing out to high schools within East Lothian to engage senior school pupils in the work the Forum do.
- Ms Harling to email all Members to ask who would like to take part in a working group.

#### **5. ANY OTHER BUSINESS**

Mr Thayers reported a contact service had been introduced my MELD SPOC were people could phone up about anything alcohol related and could be directed to appropriate services if this was required. Mr Thayers said he would be able to give a breakdown of people inquiring about alcohol or drugs and the age groups that where calling in as the statistics are reported quarterly. He added he would also be able to provide quarterly reports on harm reduction measures taken by the NHS and the hospital admissions due to alcohol. Mr Thayers stated the admissions over the country are going down but sadly in East Lothian they have increased.

Mr Podder reported he was seeing more and more underage young people trying to purchase alcohol than before through the use of more sophisticated fake ID.

Mr Dickson informed Members he would be attending the Local Licensing Survey zoom meeting in November or December which would cover how forums could be supported and improved. Mr Dickson agreed to report on this at the next Forum meeting in February.

**Decisions**

- Mr Dickson to attend Local Licensing Survey zoom meeting.

**6. AGREEMENT OF NEXT MEETING DATE/TIME**

**Decision**

The date of the next Licensing Forum was confirmed for the 22<sup>nd</sup> February at 10am, Mercat Grill in Whitecraig.

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## LSO – Licensing Forum Notes November 2022 – January 2023

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### Board Meetings

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

- **December Licensing Board 2022 – Winter recess**
  
- **January Licensing Board 2023**
  - **Major Variation - No. 12 Hotel & Bistro, 12 Quality Street, North Berwick**

An application was made to change the company and premises name, add receptions, bar meals, club and group meeting and televised sport out with core hours. In addition the application included a change of the on-sales hours start time from 1100 to 0900 hours daily. A representation was made by the LSO and an objection was made by Police. The hours were discussed by the board where the application was granted with 2 conditions that alcohol served between 0900-1100 hours be accompanied by a substantial plated meal and a two drink limit per person.
  
  - **Occasional Licence Extension – The Mercat Grill, 10 Whitecraig Road, Whitecraig**

An occasional application was applied for to extend the licensed hours at the premises until 4am in order to show the annual Superbowl in the USA. A representation was made by the LSO with suggested conditions and an objection was submitted by the police on the grounds that the event was not deemed a special event. The board discussed the application and agreed to grant the licence with the conditions presented by the LSO.
  
  - **Occasional Licences – Buck & Birch, Merryfield Business Centre, Macmerry**

This is the third licensing board the applicant has attended in relation to the use of occasional licences. At previous licensing boards the applicant was asked by the board to submit a provisional premises licence. The LSO submitted a report that since November 2022 there had been three significant breaches of the occasional licences including conducting paid tastings on the premises without a licence for on-sales, dispatching a delivery of alcohol that was left unattended in a porch unattended at a property without any age verification checks, the sale of alcohol without a licence online after failing to submit occasional licence within sufficient timescales to be considered and granted. The board agreed to grant the occasional applications from 27<sup>th</sup> January – 4<sup>th</sup> April 2023.
  
  - **Personal Licence – Stephen Stevens**

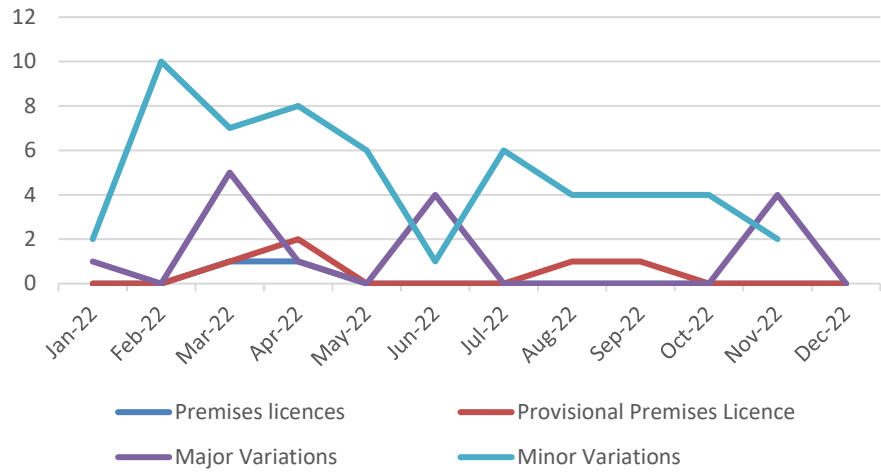
The application was discussed in private and the board refused to grant on the grounds of preventing crime and disorder and harm to persons

## Overview of 2022

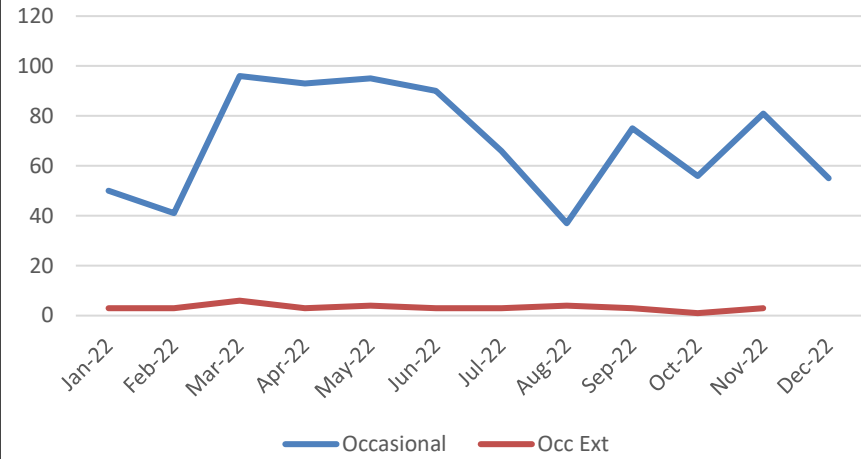
Month	Premises licences	Provisional Premises Licence	Major Variations	Minor Variations	Premises Reviews	Personal Reviews	Premises Surrendered	Premises Revoked	Personal Revoked	Occasional	Occ Ext	Transfers	Complaints
Jan-22	0	0	1	2	0	0	1 Total	0	0	50	3	5 Total	2
Feb-22	0	0	0	10	0	0	0	0	0	41	3		2
Mar-22	1	1	5	7	0	0	0	0	0	96	6		2
Apr-22	1	2	1	8	0	0	0	0	0	93	3		3
May-22	0	0	0	6	0	0	0	0	0	95	4		1
Jun-22	0	0	4	1	0	0	0	0	0	90	3		5
Jul-22	0	0	0	6	0	0	0	0	0	66	3		4
Aug-22	0	1	0	4	1	2	0	1	1	37	4		6
Sep-22	0	1	0	4	0	0	0	0	0	75	3		3
Oct-22	0	0	0	4	0	0	0	0	0	56	1		0
Nov-22	0	0	4	2	0	0	0	1	0	81	3		4
Dec-22	0	0	0		0	0	1	0	0	55			1
Total	2	5	15	54	1	2	2	2	1	835	36	5	33



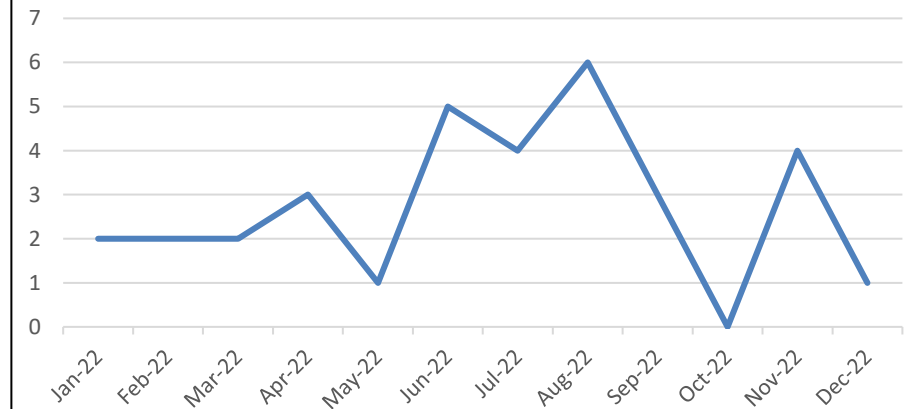
### Application Types 2022



### Occasional and Extension Applications 2022



### Complaints 2022



## Provisional Licences Outstanding confirmation

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.	<b>Expires Aug 2023</b>
26/09/2019	Fidra Gin, Kilduf	Planning issues to be resolved.	<b>Confirmed Jan-23</b>
26/09/2019	Whitekirk Hill	Issues in relation to activities missing	<b>Expires Sep 2023</b>
23/01/2020	Beer Zoo	No update	
07/07/2020	Chip Shop, 57 Eskview Terrace	No update	
22/04/2021	Wine Wednesday, North Berwick	No update	
03/05/2023	Carlyle House	No update	
28/10/2021	Monktonhall Service Station	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	11	

### Topics for Forum Discussion:

The Forum may wish to discuss the following topics.

#### The Forum Website

A new website has been launched and a link was sent to members. It went live on 1<sup>st</sup> Feb 2023. The previous website has been cleared of content and replaced with a link to the new website.

#### Occasional Licences

Occasional Licence numbers have been extremely high for 2022. Discussions are ongoing with the board in relation to use of occasional licences for seasonal outside areas. There have been applications for occasional licences for children's film showings and a children's gala. The LSO objected based on board policy to the licence at the children's film show which will be withdrawn. A further objection will be made in relation to the children's gala.

#### Climate Change Strategy

Work is ongoing in relation to the East Lothian Council Climate Change Strategy and how to incorporate this into the Statement of Licensing Policy.

### **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 has commenced with the board meeting twice to discuss. Proceedings have been delayed as insufficient information has been received from Police Scotland to make an assessment on overprovision. A detailed report was received from NHS Lothian. Further information has been invited from MELDAP but no response as yet. Consultation with 5<sup>th</sup> and 6<sup>th</sup> year pupils at secondary schools has been invited but no response. Public consultation sessions in person are to be arranged once the draft new policy is circulated for consultation.

Karen Harling

Licensing Standards Officer

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