



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

WEDNESDAY 22<sup>nd</sup> FEBRUARY 2023  
MERCAT GRILL

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### **Forum Members Present:**

Mr G Blaikie  
Mr S Baxter  
Ms K Harling  
Mr J Thayers  
Mr A Podder  
PC I Anderson

### **Clerk:**

Ms M Scott

### **Visitors Present:**

There were no visitors present at the meeting

### **Apologies:**

Mr D Dickson

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

## **1. ELECTION OF CHAIR/SECRETARY**

Ms Harling proposed Mr Blaikie for the role of Chair and this was seconded by Mr Thayers. Mr Blaikie agreed to take on this role until next year. No Secretary was elected.

Mr Blaikie thanked everyone for their attendance.

## **2. MINUTES OF THE MEETING OF THE EAST LOTHIAN LOCAL LICENSING FORUM HELD ON 30 NOVEMBER 2022 AND MATTERS ARISING**

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

It was agreed that Mr Thayers and Ms Scott would contact the organiser of the MS Teams meeting which discussed the Local Licensing Survey for an update and then forward this onto Forum members.

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

PC Iain Anderson made the Forum aware that PC Cameron Tait would be joining the Forum to replace PC Graham Bairden. PC Tait would be starting his post on Monday and would be in attendance at the next Forum meeting.

PC Anderson reported that since the last meeting on the 30<sup>th</sup> November 2022 there had been 28 reported incidents, 10 related to off-sales and 18 within licensed premises. 5 of these incidents took place in Tranent, 5 in Dunbar, 4 in North Berwick, 4 in Musselburgh, 3 in Haddington, 3 in Port Seton, 2 in Wallyford, 2 in Prestonpans and 1 in Elphinstone. PC Anderson noted most of these incidents were failure to leave a premises and the police had been called to move on customers. He added sometimes calls are not directly linked to licensed premises and instead was a disturbance outside but the business has been named in the call. PC Anderson reported there had been 3 assaults/ejections from premises but no serious issues which is low compared to previous years. He added that the reduction in incidents could be due to people not going as much post pandemic as well as the cost of living crisis.

PC Anderson reported 30 new officers had started with another 50 starting soon and he hoped with more staff available officers would be able to build up relationships with premise owners. He added that inspections of premises were only happening around special events such as Hogmanay or big football games. There were 34 inspections completed in East Lothian over the festive period.

Mr Thayers asked if there had been a switch in terms of domestic violence. PC Anderson explained domestic violence is always there but the incidents have not increased and they are not always alcohol related incidents.

PC Anderson stated they still receive anti-social behaviour calls in regards to young people, some of which have been related to buses as all young people now have free bus passes. PC Anderson explained that Lothian Buses now have dummy buses they send to hot spots for anti-social behaviour that have plain clothed police officers on board to deal with any incidents. PC Anderson added the free bus passes were great for young people to travel safely but they have also caused issues.

Mr Podder reported his food revenue had gone down but drinks remained the same due to sports being shown and others events taking place within the premises. Mr Podder added that since November 2022 his premises stopped allowing any underage young people in without an adult as there had been too many incidents.

Ms Harling asked if PC Anderson had information on proxy sales, if young people were attempting to buy alcohol or the number of any seizures of alcohol from young people. PC Anderson reported that there were 10 off-sales incidents, a couple of which were young people walking into a shop and taking alcohol. He explained sometimes the young people are known to the owner and have threatened staff. PC Anderson agreed to get the figures and break them down further.

Mr Thayers reported that according to CAPS most young people source their alcohol from their parents, siblings or friends and it is rarely from off-sales due to the challenge 25 scheme. Mr Thayers added that some young people have good quality fake ID or a knowledge of places that are unlikely to challenge them.

Ms Harling noted that licensed premises began doing deliveries of alcohol through apps such as Snappy Shopper and now premises are asking for this to be added onto their license so the delivery policy could do with being tightened.

PC Anderson stated that in some areas young people are going into shops are just taking the alcohol they want as they know a shop keeper in a small rural shop will not challenge them and instead just report the incident to police. He added that shops can be advised to move alcohol displays within their stores but this may not make any difference. Ms Harling asked if any test purchases of alcohol had taken place recently but PC Anderson said this was not happening anywhere in Scotland at the moment.

Mr Blaikie said around 50% of pubs were now closing 2 days a week and working reduced hours due to lack of staff and the rising cost of energy bills.

#### **4. LICENSING STANDARDS OFFICER REPORT**

Ms Harling spoke to her report and explained that no Licensing Board meeting was held in December due to Winter Recess so the January Board covered the following:

- Major Variation at No.12 Hotel & Bistro in North Berwick – granted with conditions.
- Occasional License Extension at the Mercat Grill in Whitecraig – granted.
- Occasional Licenses for Buck & Birch Ltd in Macmerry – granted.
- Personal License for Stephen Stevens – refused.

#### **Occasional Licenses**

Ms Harling explained her overview of 2022 within her report and highlighted the 835 applications for occasional licenses which was almost double on last year. She noted part of this could be due to events restarting after the pandemic and because their provisional license has not been confirmed yet so they will start their event on an occasional. Ms Harling added that people have also started to dry hire venues then the cater they hire will also provide alcohol. Ms Harling explained that once an occasional license is granted it cannot be taken away so it is preferred businesses apply for a premises license as this is easier to manage.

Ms Harling reported that a few unconfirmed provisional licenses are due to expire so she will be doing a push for these to get sorted. Ms Harling explained the graphs within her report showed an influx of occasional licenses in the New Year with 100 of these being applied for by the 1<sup>st</sup> of February as a lot of people are not adhering to the timescales. Ms Harling stated

that complaints peaked in the summer months but these were still low with six of them being related to the marquee at the Marine Hotel in North Berwick.

Ms Harling explained that the Scottish Government sets the cost of the occasional license which is much less than a premise license which also comes with an additional annual cost. Ms Harling stated there is a consultation going forward with the Scottish Government in regards to the price of an occasional license and also for there to be a cap on the number of people applying for them. There has been discussion around this but no further movement at the moment. Mr Thayers commented that the Council are currently making a loss as the admin fee is more than the occasional license fee itself. PC Anderson added that people are submitting their application for occasional license far too late, sometimes on a Friday afternoon with the event taking place on a Saturday and an officer has not had a chance to look at the application. Ms Harling explained the policy says an application should be submitted 42 days before an event to be guaranteed but the Board have decided to very lenient on this and she believes this now requires some push back as there are too many applications for one person to deal with. Ms Harling added the applications also come with errors which means she has to contact the applicants to correct these before they can be processed.

Ms Harling explained she was against Ormiston Gala Day having a bar which gained a lot of support and caused push back to the Board. She added that she would be against any family and children events having a bar at them. Mr Baxter stated Musselburgh Gala Day has a bar normally run by the radio station but it is always very quiet. Ms Harling said she would be in agreement with a bar at an event that was to attract adults but not one where the focus is entertaining children as there is no need for alcohol to be served there. Mr Thayers was in agreement with this.

#### **Forum Website**

Ms Harling has now set up the new Forum website and has sent out a link to Members. Ms Harling asked Members to think what they would like to see on the website and let her know so she can add the information. The Forum website will contain any new campaigns being run by the police including posters which can be printed off and displayed within premises.

#### **Climate Change Strategy**

Ms Harling stated there is ongoing work for license holders to take a more responsible outlook on their carbon footprint and this is something that will be regularly discussed going forward.

#### **Marketing the Forum**

Ms Harling has been promoting the Forum as much as she can and has added a link to her email signature to prompt people to learn more about the Forum.

#### **Licensing Policy**

Ms Harling reported that this has been delayed as information is required from MELDAP. Mr Thayers agreed to get an update on this and once there is a draft a working group should start to look at smaller parts of the policy. After the next Forum meeting this will go to the Board in October for approval and hopefully in use by November. Ms Harling noted the currently policy is extensive and well written as it was future proofed in 2018 covering the issue of deliveries so it mostly requires some rewording and additional parts rather than a complete rewrite.

Mr Thayers stated that drug deaths in East Lothian cause an outrage but the number of deaths related to alcohol were just as high. He added that there is the challenge of how people perceive alcohol and that it should be treated with the same scrutiny as illicit substances. Mr Baxter added that if the older generation state they aren't having a drink people will always question this but not drinking is much more accepted with young people. Mr Podder added that people do not understand alcohol is a depressing drug.

Ms Harling stated that the Licensing Board wrote out to schools to get feedback from young people but so far there has been no response.

### **Decisions**

The Forum agreed:

- Members to let Ms Harling know what information they would like to see on the Forum website.
- Mr Thayers to get an update from MELDAP and feedback to the forum.
- Members to continue to market the Forum.

## **5. ANY OTHER BUSINESS**

Mr Baxter asked if there was any way to control businesses who are based outside of East Lothian but deliver alcohol to there. Ms Harling confirmed this was not possible from a compliance point of view as this only covered businesses who held an East Lothian license from their point of dispatch. Ms Harling added she could send her concerns to the LSO in the local authority of the business who had dispatched the product but said she was more concerned about the use of apps and local off sales as there seemed to be a lack of knowledge on compliance. Mr Podder stated he is really strict within his premises and if parents allow their child to drink alcohol then it is a 2 drink maximum and if they try to purchase more, then the drinks are taken away. Mr Blaikie stated he does not allow any person under the age of 18 to drink within his premises. Ms Harling confirmed this decision is at the manager's discretion and they can tell to young people at the age of 16 and 17 when they are with their parent. Mr Thayers noted parents can legally give a child of five an alcoholic drink at home. PC Anderson stated an exercise was done where young people were asked to pour a measure of alcohol and then check how much they had actually poured and then teaching them how to do it safely. Mr Thayers added that that is why it is safer for young people to drink in licensed premises as they serve regulated measures.

Mr Thayers reported a service had been set up where people can call about their own or someone else's alcohol or substance use. Mr Thayers stated the service had been hugely popular and they had received the expected yearly amount of 500 calls within a quarter. Mr Thayers explained he receives a breakdown of the substance the person is calling about and the postcode from where they have called and if Members thought this would be useful he would be able to provide this information. Mr Thayers agreed to send the information for this service to Ms Harling so it could be added to the Forum website.

Mr Thayers agreed to contact Claire Glenn in regards to joining the Forum as the Health representative.

## **6. AGREEMENT OF NEXT MEETING DATES/TIMES/VENUES**

The following dates were agreed for future Forum meetings:

24<sup>th</sup> May at 10am within the Mercat Grill, Whitecraig

23<sup>rd</sup> August at 10am within the Mercat Grill, Whitecraig