



MINUTES OF THE MEETING OF THE EAST LoTHIAN LICENSING FORUM

WEDNESDAY 23 AUGUST 2023, 10AM
MERCAT GRILL

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Forum Members Present:

Mr G Blaikie
Mr S Baxter
Ms K Harling
Mr J Thayers
Ms C Glen
PC I Anderson

Council Officials Present:

Ms M Scott

Elected Members Present:

Councillor J McMillan

Visitors Present:

N/A

Apologies:

Councillor L Bruce
Councillor F Dugdale
Councillor C Cassini
Councillor G McGuire

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

1. MINUTES OF THE MEETING OF THE EAST LOTHIAN LOCAL LICENSING FORUM HELD ON 24 MAY 2023 AND MATTERS ARISING

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

2. POLICE REPORT (VERBAL)

PC Iain Anderson gave Members a hard copy of the Chief Constable Report 2022-23 for discussion at the next Forum meeting in November as it had not yet been uploaded online. PC Anderson reported there had been a spike in shop lifting compared with the same time period as last year with overall incidents going from 40 to 79, 14 off-sale thefts to 53 and Licensed Premises remained the same at 26. He added that of the 51 off-sales incidents none were linked to teenager theft or proxy purchase and there was only 1 reported youth disorder in store. It was noted that incidents in Tranent were quite high but 12 of these incidents alone were linked to one male.

Councillor McMillan asked if numerous reports were made about the same premises would the police continue to attend. PC Anderson explained that would definitely receive more attention but some shops do not report incidents until much later so therefore police would not attend. He added that the police are mostly called out to licensed premises for customers who are refusing to leave but in most places the staff have a proactive approach to this. PC Anderson explained that premises would be monitored, given warnings and added to an intervention list if they had repeat incidents then rules could be set by Council officials and the police with a review of the premises license if owners still did not comply.

Councillor McMillan stated he had heard of worries in Haddington of people drug dealing within licensed premises and asked how this was being monitored. PC Anderson explained that CCTV was installed in a lot of businesses and owners were proactive with signage with warnings against drug use. He added that it is difficult to catch people in the act and even if this is the case staff will just ask customers to leave and not inform the police. PC Anderson explained that intelligence is graded when it is received, for example A1 intelligence is when the person reporting has seen the incident with their own eyes and it would be more likely the police could gain a warrant from the sheriff. He added that even if a call is low intelligence it is still logged and could help build up a case. PC Anderson confirmed Councillor McMillan could use this wording at Community Council Meetings to give people an update and added that on foot officers used to visit pubs but this is no longer a possibility due to staffing issues.

Mr Baxter stated that shops have told their staff not to approach thieves and did he feel this encouraged people to steal from certain premises. PC Anderson stated that this can be the case but it mostly just depends on who the person is. He explained that if it is organised then larger quantities will be stolen from higher end stores. PC Anderson noted that a lot of staff members will challenge thieves but if they become aggressive they will back down therefore there are not many reported assaults.

Ms Harling asked if there was a pattern in relation to thefts and where alcohol was located within a store. PC Anderson explained that if alcohol is located at the rear of a shop a lot of the time a fire exit will be used to leave the building instead of carrying alcohol back through the shop. Ms Harling asked if there were problems with a shops layout would police attend and give advice in relation to the area alcohol is stored and make a recommendation to move the alcohol to a more secure area such as behind a counter or kiosk. PC Anderson confirmed that smaller shops already keep higher end alcohol behind the check out to prevent shop lifting.

Councillor McMillan asked if the police would be able to identify a shop or pub with incidents and would they work with the Licensing Standards Officer to deal with this. PC Anderson confirmed that Ms Harling was now invited to the Anti-social Behaviour Group which takes place weekly so there is now a crossover between the LSO and the police which helps to deal with any issues.

3. LICENSING STANDARDS OFFICER REPORT

Ms Harling spoke to her report and explained the following outcomes from the May and June Licensing Board meetings:

MAY

- **Major Variations for Musselburgh Racecourse and Bonnie Badger, Gullane – both granted**
- **Occasional Licenses for EH32 Live (Craig Hodgson) - granted with altered times for music and alcohol sales and Carfrae House (Eric Linklater) – granted, however requested a premises license application be submitted**

JUNE

- **Major Variations for Carberry Tower and Co-op Tranent/Ormiston – granted**
- **Occasional Licenses for Castle Hotel, Dunbar (outside area) - granted with conditions and Scottish Open (Scott Dodds) – granted**
- **Occasional Extension for Eskmills Venue (Event Space) - granted**

There was no Board meeting in July due to the summer recess. The next Licensing Board is taking place on the 24th August 2023.

Ms Harling gave an overview of 2023 noting that there was a large number of occasional license being used. She added that provisional licenses should only be used if a premises is under construction or conversion and should be pushed by the Board to justify why they are running on this if neither of these things are happening. Ms Harling explained provisional licenses produce a lot of admin for the LSO, Licensing Team and the police and the rules on these need to be tightened up now we are passed COVID. She added that a bigger section on provisional licenses is now in the Statement of Licensing Policy.

My Thayers stated that for shops that offer a home delivery service we are unable to get details of the amount of alcohol people have ordered but wondered if it would be possible to gain information of how many home delivery orders contained alcohol. Ms Harling confirmed she would look at the legislation as she is unsure if shops have to retain what products have been purchased but if they do this this information should be accessible. Mr Thayers agreed to contact Alcohol Focus Scotland to see what information is accessible.

Councillor McMillan asked if there was a better way to get key points from the Forum meetings out to the community in a way they will actually read, such as a newsletter, as the public tend not to read minutes posted online. Ms Harling confirmed that a newsletter used to go out but this was hand delivered and labour intensive. She added that the Forum website has a section for news and information but she thought a newsletter being shared over social media could be a good idea.

Marketing the Forum

Ms Harling continues to promote the Forum but there has been no more uptake.

It was agreed that Paul Hunter from MyPass should be invited to the Forum as a way to engage young people. Mr Blaikie agreed to take this forward. It was agreed by most Members that it would be easier to actively go out to young people to gain their views instead of trying to get them to join a structured meeting like the Forum. Mr Thayers said an event run around 4 years ago was successful in gaining the views of young people. Councillor McMillan suggested making contact with the Youth Parliament group who meet once a term which involves pupils from each school who tend to be quite confident individuals.

National Licensing Forum

Ms Glen attended the event in Glasgow in June which discussed the issues that Forum's face. She agreed to send the minutes to Forum Members,

Decisions

The Forum agreed:

- Ms Harling to contact legal and roads to look into signage on alcohol rules
- For minutes of the Forum to be sent to Board members if no one is able to attend
- Members to send any contacts of youth organisations or persons involved in youth work to Miss Scott to collate and send on to Ms Harling to contact
- Ms Harling to draft a letter to send to youth organisations about hosting an event to recruit or involve young people in the Forum
- Mr Blaikie to extend an invite to Paul Hunter from MyPass
- Mr Thayers to contact Alcohol Focus Scotland to see what information is accessible in regards to seeing what home delivery orders include alcohol
- Ms Glen to send minutes for the National Licensing Forum to Members.

4. MINIMUM UNIT PRICING

Ms Harling stated a report was completed on this in June which was quite successful has been accepted overall. Mr Thayers stated from a health perspective minimum unit pricing has been a success as Sheffield University completed a study on the number of lives that would be saved if the pricing was to be increased again. Mr Baxter had concerns about families suffering from the cost of living crisis spending more of their budget on alcohol than food. He added that many people will be living in different circumstances but those already dependent on alcohol will continue to spend money on it even if the price increases. Councillor McMillan agreed more needs to be done to educate people on the dangers of abusive alcohol consumption. Mr Thayers explained the health budget is miniscule compared to alcohol companies who have multi million pound budgets to promote their products.

5. National Licensing Forum Discussion

Discussed above in Item 3.

6. FORUM RESPONSE TO STATEMENT OF LICENSING POLICY

Discussions were held in private and not minuted.

7. ANY OTHER BUSINESS

PC Iain Anderson made Members aware a new officer (PC Wilson) will be starting with them from the 4th of September. He added that it was announced last week that civilian posts within the police service were no longer being filled.

DRAFT

LSO – Licensing Forum Notes

November 2023 – January 2024

Board Meetings

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

○ November Licensing Board 2023

- **Provisional Premises Licence – Tiffin Box, North Berwick**
Application for a provisional premises licence for off sales. Granted by the board.
- **Provisional Premises Licence – Garden City, Longniddry**
Application for a provisional premises licence for off sales. Granted by the board.
- **Provisional Premises Licence – Pans Premier, Prestonpans**
Application for a provisional premises licence for off sales. Granted by the board.
- **Major Variation – Nicholson News, Longniddry**
Application to change the off sales hours until 10pm each day, add recorded music, add deliveries, change the description for the premises to open at 7am, alter the layout with an increase in capacity. Granted by the board with one condition on deliveries.
- **Premises Licence Review – Non-payment of Annual Fees, Giancarlo’s, Tranent**
Failure to pay the annual fee and resultant breach of premises licence. It was also established that the company holding the premises licence had been dissolved. Licence revoked.
- **Premises Licence Review – Non-payment of Annual Fees, Stodola, Musselburgh**
Failure to pay the annual fee and resultant breach of premises licence. Premises licence holder failed to engage. Licence revoked.
- **Premises Licence Review – Non-payment of Annual Fees, Dragon Way, Port Seton**
Failure to pay the annual fee and resultant breach of premises licence. Premises licence holder failed to engage. Licence revoked.
- **Premises Licence Review – Non-payment of Annual Fees, no premises manager – The Folly Hotel, North Berwick**
Failure to pay the annual fee and resultant breach of premises licence as no premises manager. Premises licence holder attended board. Premises licence suspended to be reviewed again in January 2024.

○ December Licensing Board 2023

- **Premises Licence Review – Non-payment of Annual Fees, no premises manager, no staff training, alcohol out with display area, fit and proper – Nisa Gifford**

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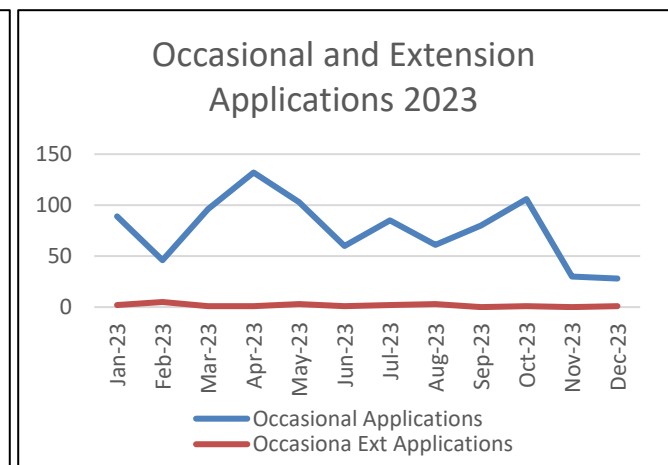
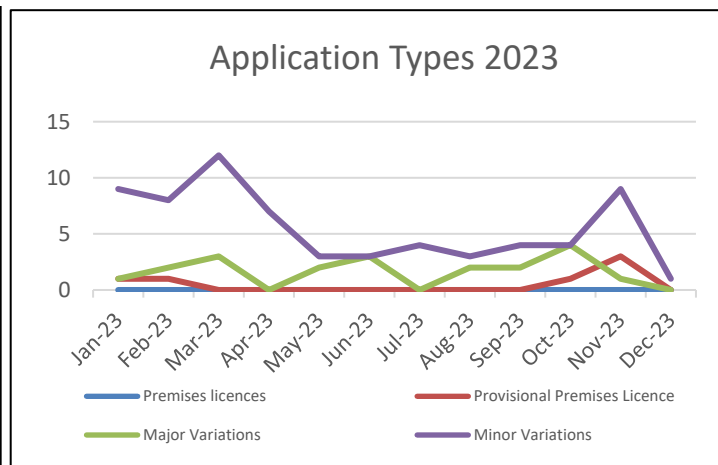
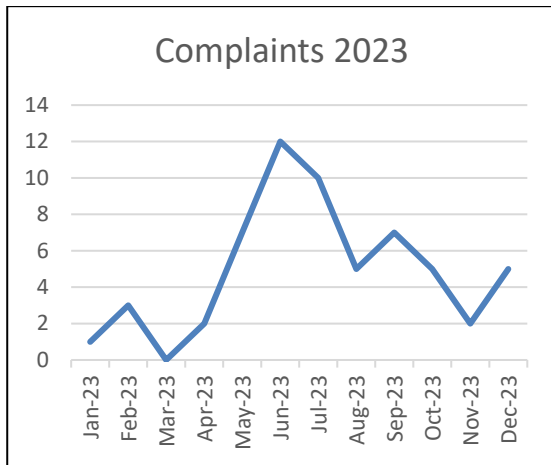
Failure to pay the annual fee and resultant breach of premises licence as no premises manager, no staff training, alcohol out with display area, and larger scale premises mismanagement. Premises licence holder attended board and was found not to be a fit and proper person to hold a premises licence. Premises licence revoked with immediate effect. Board also called for a review of the personal licence held by the premises licence holder.

○ **January Licensing Board 2024**

- **Major Variation Provisional Premises Licence – Monktonhall Service Station**
Application to alter the premises description, change the layout, increase the off sales capacity and add deliveries. Granted by the Board with one condition on deliveries.
- **Beer Zoo – Provisional Premises Licence extension**
Application to extend term of provisional premises licence as issues with building warrant. Granted by the Board
- **Provisional Premises Licence – The wee shop, Tranent**
Application for a provisional premises licence for off sales. Granted by the board.
- **Major Variation – Ravelston House Hotel, Musselburgh**
Application to remove conditions on the licence, amend condition in relation to children 1.5 metres from the bar, change children access, add markets, funfairs and inflatables, ad hoc outside events. General tidy up of activities to be compliant. Board granted the application with recommended conditions from LSO in relation to the outside area and events. Rejected condition change for children to be 1.5m from the bar.
- **Premises Licence – Tynninghame Country Store, Tynninghame**
Application for premises licence for on-sales only. Large number of objections. Granted with suggested conditions from LSO in relation to the outside area.
- **Premises Licence Review – Non-payment of Annual Fees, no premises manager – The Folly Hotel, North Berwick**
Premises licence holder attended board. New premises manager appointed, and suspension lifted.
- **Personal Licence Review – Kokulabavan Jeyarasa – Linked to Nisa Gifford**
Following the review of the premises licence at Nisa Gifford, Mr Jeyarasa was found not to be a fit and proper person to hold a personal licence which was revoked.

Overview of 2023

Month	Premises licences	Provisional Licence	Major Variations	Minor Variations	Premises Reviews	Personal Reviews	Premises Surrendered	Premises Revoked	Personal Revoked	Occasional Applications	Occasional Ext	Transfers	Complaints
Jan-23	0	1	1	9	0	0	0	0	0	89	2	1	1
Feb-23	0	1	2	8	0	0	0	0	0	46	5	3	3
Mar-23	0	0	3	12	0	0	0	0	0	96	1	0	0
Apr-23	0	0	0	7	0	0	0	0	0	132	1	1	2
May-23	0	0	2	3	0	0	0	0	0	103	3	0	7
Jun-23	0	0	3	3	0	0	0	0	0	60	1	0	12
Jul-23	0	0	0	4	0	0	0	0	0	85	2	1	10
Aug-23	0	0	2	3	0	0	0	0	0	61	3	0	5
Sep-23	0	0	2	4	0	0	0	0	0	80	0	0	7
Oct-23	0	1	4	4	0	0	0	0	0	106	1	0	5
Nov -23	0	3	1	9	4	0	0	0	0	30	0	0	2
Dec -23	0	0	0	1	1	1	0	1	0	28	1	0	5
Total	0	6	20	67	5	1	0	1	0	916	20	6	59



Provisional Licences Outstanding confirmation

Provisional Grant Date	Premises	Comments re Section 50 Certs.	Confirmed
29/08/2019	Thomson's of Tranent High Street, Tranent	Building standards issues to be resolved.	Extended till Aug 2024
07/07/2020	Chip Shop, 57 Eskview Terrace	No update	Expires Jul 2024
03/05/2021	Carlyle House	No update	Expires May 2025
28/10/2021	Monktonhall Service Station	No update	Expires Oct 2025
31/03/2022	Broxmouth Courtyard	No update	Expires Mar 2026
25/08/2022	The Mart, East Linton	No update	Expires Aug 2026
27/10/2022	The Tap Room, Haddington	Awaiting S50 Building Standards	Expires Oct 2026
23/02/2023	Humbie Hub	No Update	Expires Feb 2027
30/03/2023	Buck and Birch	No update	Expires Mar 2027
28/09/2023	Carfrae Farm shop	No update	Expires Sep 2027
26/10/2023	Premier, Haddington	No update	Expires Oct 2027
23/11/2023	Garden City, Longniddry	No update	Expires Nov 2027
23/11/2023	Pans Premier, Prestonpans	No update	Expires Nov 2027
23/11/2023	The Tiffin Box, North Berwick	No update	Expires Nov 2027
25/01/2024	The Wee Shop	No update	Expires Jan 2028
Confirmation	Outstanding	15	

Topics for Forum Discussion:

The Forum may wish to discuss the following topics.

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.

Karen Harling
 Licensing Standards Officer
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 01620 827478

Subject: Urgent Reforms Needed for Occasional Licensing Regime

Dear minister

We hope this letter finds you well. As the Chair of the East Lothian Licensing Board and having spoken with the East Lothian Licensing Forum with support from the Chair Graham Blaikie, we write to express our shared concerns regarding the current administration of occasional licenses. We believe that urgent reforms are necessary to address several critical issues that compromise the effectiveness and integrity of the entire licensing system.

1. **Inadequate Fee Structure:** The current £10 fee for occasional licenses is insufficient to cover the administrative costs associated with processing these licenses. This has placed an undue burden on the licensing authorities, impacting their ability to efficiently manage and oversee the licensing process. The small fee also makes it far more viable for a business to operate on a series of occasional licences in order to circumvent the larger fee of a premises licence. We believe that the fee should be increased significantly to a cost of at least £50 or more per application.
2. **Reduced Scrutiny Compared to Permanent Licenses:** Occasional licenses currently undergo less scrutiny compared to permanent licenses. This includes the absence of requirements such as a certificate from Building Standards, the exemption from having a premises manager, the lack of signage requirements, and no mandatory staff training. This disparity undermines the standards set for licensed establishments and could lead to the endangerment of the public.
3. **Misuse of Occasional Licenses:** There is evidence of occasional licenses being misused to circumvent the need for converting to a permanent license rather than complying with Building Standard requirements, increase scrutiny, staff training requirements and working with an agreed layout plan. This misuse not only compromises the integrity of the licensing system but also allows for potentially substandard and unregulated establishments.
4. **Unrestricted Number of Applications:** The absence of a limit on the number of occasional licenses that can be applied for and granted to a premises or personal licence holder poses a significant challenge. This lack of restriction contributes to the potential over-saturation of licensed establishments, creating issues for both communities and law enforcement.

In light of these concerns, we respectfully request your urgent attention to the following recommendations:

- **Review and Adjust Fee Structure:** Consider a comprehensive review of the fee structure associated with occasional licenses to ensure that it adequately covers the administrative costs incurred by licensing authorities.
- **Harmonise Scrutiny Standards:** Work towards harmonising the scrutiny standards for occasional licenses with those of permanent licenses, ensuring consistency and upholding the same high standards for all licensed establishments. For example add the requirement for staff training for occasional licences granted to personal and premises licence holders.
- **Prevent Misuse and Establish Limits:** Implement measures to prevent the misuse of occasional licenses, including setting limits on the number of licenses that can be applied for and granted within a specific timeframe.

We are committed to working collaboratively with your office to address these issues and contribute to the development of a licensing system that maintains a balance between supporting community events and safeguarding public interests.

We would appreciate the opportunity to meet and discuss these matters further and offer our insights on potential solutions. Your attention to these urgent concerns is highly valued, and we look forward to a positive response.

Thank you for your time and consideration.

Sincerely,