



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

WEDNESDAY 21 FEBRUARY 2024, 10AM  
CHAMBER, HADDINGTON TOWNHOUSE

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### Forum Members Present:

Mr G Blaikie  
Mr S Baxter  
Ms K Harling  
PC L Wilson  
Mr A Podder

### Council Officials Present:

Ms M Scott

### Elected Members Present:

Councillor L Bruce  
Councillor G McGuire

### Visitors Present:

N/A

### Apologies:

Councillor F Dugdale  
Councillor C Cassini  
Councillor J McMillan  
Councillor N Gilbert  
Ms C O'Brien  
Ms K Burke

Claire Glen, Public Health Representative has now moved post and resigned from the Forum. She will be replaced at the next meeting by Kat Burke.

**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 23 AUGUST 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 Wilson gave an update on reported incidents between the 22<sup>nd</sup> of September 2023 and the 20<sup>th</sup> February 2024. There were 92 incidents in total with a breakdown of; 11 assaults, 10 disturbances, 5 fail to leave, 1 noise, 2 drugs, 3 vandalism and 60 theft or attempted thefts. He reported that the vast majority of thefts are from retailers and this continues to be a problem in the area. 54 pre-arranged or spontaneous inspections were carried out in this time period and only minor issues were found, all of which have been addressed or are in the process of being addressed.

PC Wilson explained over the festive period there was a push for Special Constables to be used on the evenings and weekends supported by experienced officers or a Sergeant. Positive feedback has been received from venues who were pleased to see the Police checking in. PC Wilson explained he has provided training documentation to all new officers specially on licensing to assist them when they are carrying out visits.

The don't drink/drug drive campaign was launched before Christmas again which was broadcast on social media and radio adverts as well as morning patrols being increased. PC Wilson stated as a whole Lothian & Borders Police reported 25 drug and 35 alcohol offenses but this was not specific to East Lothian. PC Wilson added although here has been a positive change in attitude towards not drinking or using drugs and driving compared to previous years it is still happening.

Graham Blaikie asked if PC Wilson knew what percentage over the limit offenders were or if they were caught the night of consuming alcohol or drugs or the morning after. This was not information PC Wilson had to hand but he was happy to find out and pass on the information.

Members discussed the options and sales of alcohol free drinks and were pleased that the stigma around not consuming alcohol seemed to have shifted. Mr Podder stated among students the sales of alcohol free drinks are low but more mocktails are sold than non-alcoholic beers. Councillor Bruce asked if the sale of alcohol free options could in the future become mandatory, such as if a pub sells Guinness or Heineken they also have to offer the alcohol free version. Ms Harling explained that the policy currently states that water has to be offered to customers for free along with reasonably priced non-alcoholic choices.

PC Wilson urged Members that if they know a customer has consumed more alcohol than the current limit and they get into a vehicle to report this to the police. He was understanding that this may be difficult if it is a regular customer but calls can be made anonymously,

A gender based violence campaign was run in December 2023 where PC Wilson and Ms Harling visited public houses with leaflets and beer mats branded with the "Don't Be That Guy" campaign. These featured a QR code to a website detailing more information on the campaign which encouraged men to look at their own and friends attitudes towards woman and girls.

PC Wilson reported the "It Will Cost You" campaign will also be run again this year in the lead up to summer months explaining the implications for buying young people under 18 alcohol.

This year the campaign will also target young people directly through social media to make them aware of the trouble their parent or older sibling could get in for purchasing them alcohol. PC Wilson has put in a bid for additional funding for East Lothian to go towards this campaign.

### **3. LICENSING STANDARDS OFFICER REPORT**

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

#### **NOVEMBER 2023**

- Provisional Premise Licenses for Tiffin Box (North Berwick), Garden City (Longniddry) and Pans Premier (Prestonpans) – all granted
- Major Variation for Nicholson News (Longniddry) – granted with one condition on deliveries.
- Premises License Review – Non-payment of Annual Fees for Giancarlo's (Tranent), Dragon Way (Port Seton) and The Folly Hotel (North Berwick) – license was revoked for Giancarlo's and Dragon Way due to failure to pay the annual fee and resultant breach of premise license with premise license holder also failing to engage. The Folly Hotel's license was suspended to be reviewed again in January 2024.

#### **DECEMBER**

- Premises License Review – Non-payment of Annual Fees, no premise manager, no staff training, alcohol out with display area, fit and proper – Nisa (Gifford). Premise license holder attended the Board and was found not to be a fit and proper person to hold a premise license. Premise license revoked with immediate effect and the Board called for a review of the personal license held by the premise license holder.

#### **JANUARY**

- Major Variation Provisional Premise License for Monktonhall Service Station – granted with one condition on deliveries.
- Provisional Premise License Extension for Beer Zoo – granted
- Provisional Premise License for The Wee Shop (Tranent) – granted
- Major Variation for Ravelston House Hotel (Musselburgh) – granted with recommended conditions from LSO in relation to the outside area and evens. Rejected condition change for children to be 1.5m from the bar.
- Premise License for Tynninghame County Store (Tynninghame) – granted with suggested conditions from LSO in relation to the outside area.
- Premise License Review – Non-payment of Annual Fees, no premise manager for The Folly Hotel (North Berwick) – new premises manager appointed and suspension lifted.
- Personal License Review – Kokulabavan Jeyarasa (linked to Nisa Gifford) – personal license was revoked.

Ms Harling gave an overview of 2023 noting 916 occasional license being used which is an all time high. She explained that before COVID occasional licenses were sitting at around 400 so the increase is significant. Councillor Bruce thought it would be helpful to know the breakdown for the occasional licenses, how many are running on back to back occasionals etc and this is something Ms Harling is happy to provide. Ms Harling explained running on back to back occasionals is circumventing going through building standards which could be because buildings are not ready. She also noted that the occasional licenses are only dealt with by her and not a team of people so it is a mountain of work which with up to 150 licenses needing to be dealt with each month. The use of occasional licenses also has a financial implication to the Council as the £10 cost does not even cover processing the license.

Ms Harling reported there was nothing major to cover in the complaints section with it being the norm for complaints to increase in the summer due to outdoor events. She added there has been a change in policy relating to personal premise licenses and these now must be brought to the Board every 12 months to hear about their progress. All personal premise license holders will be written to this month to inform them of this change.

Ms Harling and Mr Blaikie continue to promote the Forum but it continues to be light on Members from the trade. Ms Harling and PC Wilson have also been speaking with local clubs and would be keen to have a representative from one of them on the Forum.

Ms Harling is waiting for confirm from Mr Grilli, Service Manager for Governance to be able to offer training to clubs over the summer period who operate as a club and operate on a premise license. PC Wilson stated lots of clubs are really keen but unfortunately lack the knowledge around licencing and what they need to do to run the club properly. Ms Harling added club members are stepping up to keep clubs open not realising the responsibility on them. She added that if the open training sessions can go ahead this will offer help to clubs to run properly.

### **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

## **4. LETTER TO SCOTTISH GOVERNMENT ON OCCASIONAL LICENSES**

A draft letter to the Scottish Government relating to Occasional Licenses was submitted by Councillor Bruce, Chair of the Licensing Board for the Forum's discussion and comments.

Councillor Bruce explained an occasional license has cost £10 since it was brought in and this has never been increased. Ms Harling added that applicants for clubs and voluntary groups are restricted to the amount of occasional licenses they can apply for. She explained occasional licenses give the most hassle and also raise concerns on if a premise can run responsibly. Ms Harling agreed to send Councillor Bruce wording for voluntary groups to be added to the draft letter and then this would be sent out again to all Forum Members for their comments.

## **5. ANY OTHER BUSINESS**

The decision was made to carry discussion point "Protocol of the Forum replying to the Licensing Board over its decisions to the document submitted, specifically overprovision" to the next meeting given Mr Thayers apologies to this meeting.

Councillor McGuire noted a request was made down south for venues to not use glass after 10pm and wondered if this is something that would be done in Scotland. Mr Podder

confirmed for any large scale events within QMU no glass is used, even bottles of wine is decanted into large plastic cups.

**NEXT MEETING DATE**

The next meeting of the Licensing Forum is scheduled for the 22<sup>nd</sup> May 2024 at 10am with future dates still to be set.

DRAFT



# LSO – Licensing Forum Notes

## February – April 2024

### Board Meetings

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

#### ○ February Licensing Board 2024

##### - Occasional Licences – Dunglass Estate – three separate catering companies

Application was made for multiple occasional licences. Information was presented to the Board that the premises had been operating on occasional licences on a weekly basis for 2 years. The Board granted the licences with the expectation a premises licence application would follow by May.

##### - Occasional Licences- Luffness Golf Club

Application for several occasional licences with commencement time before board policy for temporary bars on golf course. Granted by the Board with the conditions that the area be clearly delineated and one drink per person.

##### - Occasional Licences – Broxmouth Courtyard

Application for 8 occasional licences with a terminal hour of 12 midnight out with Board policy terminal hour of 11pm on those days. Provisional premises licence at premises has 11pm terminal hour. Occasional licences granted with varied terminal hour to 11pm.

#### ○ March Licensing Board 2024

##### - Premises Licence Application – Mazzoli Café – Haddington

Full premises licence application following operation on occasional licences. Granted.

##### - Major Variation Application – Event Space (Eskmills Venue), Musselburgh

Application to add gaming for bingo events. Granted

##### - Occasional Licence Application - Gosford House

Application for an occasional licence for a wedding from 12noon – 2am. Denied by Board and terminal hour changed to 1am in line with Board policy.

##### - Occasional Licence Application – Seton Walled Garden

Application for occasional licences over a period of 6 months on a weekly basis. Premises has been operating in this way for 2 years. Occasional licences granted for this year with the expectation that a premises licence application will be made.

##### - Premises Licence Review – Newbigging Newsagent, Musselburgh

Information was presented to the Board that the premises manager had died in Oct 2022. Extensive guidance was given to the premises over a period of months however the premises

licence holder failed to appoint a premises manager. A compliance notice was served in relation to no premises manager and no staff training and alcohol sales were to cease. In Jan 2024 a member of the public bought alcohol from the premises as sales had recommenced. Police and LSO visit the premises and found alcohol on display in excess of capacity on the licence and the premises licence holder made an admission that alcohol had been sold. The Board reviewed the information and questioned the premises licence holder. The Board revoked the premises licence on the grounds the premises licence holder was not a fit and proper person.

○ **April Licensing Board 2024**

- **Occasional Licence Application – Edinburgh Marathon Festival**

Application for occasional licence for bar at the finish of the Edinburgh Marathon to open at 10am, out with Board policy for commencement hour. After hearing from the organiser who gave details of why the early start was needed the Board granted the licence.

- **Occasional Licence Application – East Linton Gala Committee**

Application for an occasional licence for an alcohol refreshment tent at East Linton Gala. The gala field will contain a funfair, inflatables, highland dancing competition, there is a planned gala parade, gala court and market. The application was brought to the board in relation to the Board's policy that events predominantly organised for children should not necessarily attract the need for an occasional licence. The applicant challenged the Board policy and argued that the gala was not just for children. When questioned it was established that the adult activities were at another location in the village and there were no occasional licence applications for the market stalls proposed to sell alcohol. The applicant was asked about the profit from the bar and stated that the alcohol was donated for free from local establishments and then sold at a profit and that provided a substantial income for the gala. The location of the tent was questioned as it was proposed 25m from the children's play park. The Board unanimously refused to grant the occasional licence as the event was considered a children's event in keeping with policy and stated that fundraising with alcohol was not a sufficient reason. The applicant wished to appeal the decision and was informed this would need to be done on application to a sheriff.

- **Provisional Premises Licence Application – One Stop, Tranent**

Application was made for a provisional premises licence for an off sales premises with deliveries. The licence was granted with a conditions for deliveries.

- **Major Variation – Little Superstore, Ormiston**

Application was made to change the off sales hours on Sunday from 12noon to 10am. It was reported that this was a retrospective change and that the premises had a notice to say that alcohol was available from 10am 7 days a week. The Board reminded the applicant to check his licence carefully and not make mistakes in the future. The change was granted.

- **Major Variation Application – The Tower Inn, Tranent**

Application made for extension of outside area to form a beer garden. Application granted with 3 conditions.



- **Premises Licence Application – Dunglass**

Full premises licence application received. Terminal hour of 12 midnight requested on Wednesday out with Board policy. Licence granted with condition that the additional hour on a Wednesday only be used for wedding events.

- **Major Variation Provisional Premises Licence Application – Broxmouth Courtyard**

Major variation application received to amend terminal hour to 12 midnight Monday – Wednesday which is out with Board policy. Additional activities added. Licence granted with condition that the additional hour on a Wednesday only be used for wedding events and a condition in relation to deliveries.

- **Premises Licence Cease to have effect.**

Premises licence holder insolvent, licence noted to have ceased to take effect.

**Provisional Licences Outstanding confirmation**

<b>Provisional Grant Date</b>	<b>Premises</b>	<b>Comments re Section 50 Certs.</b>	<b>Confirmed</b>
29/08/2019	Thomson’s of Tranent High Street, Tranent	Building standards issues to be resolved.	<b>Extended till Aug 2024</b>
07/07/2020	Chip Shop, 57 Eskview Terrace	No update	Expires Jul 2024
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	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
25/04/2024	One Stop, Tranent	Just granted	Expires Apr 2028
<b>Confirmation</b>	<b>Outstanding</b>	<b>13</b>	

**Marketing the Forum**

The LSO has been promoting the forum whilst on visits.

**Pre-inspection letters**

Letters with information about the statement of licensing policy and helpful resources are being distributed to all licensed premises. Inspection will take place after all letters delivered.

**Clubs presentation**

A presentation for Club premises under the act will take place to give guidance on the requirements of the legislation. Time, date, and location TBC.

Karen Harling

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