

OCC EXT 001/22
P/RH/W 51

EAST LoTHIAN LICENSING BOARD

Licensing (Scotland) Act 2005

Application for Extension of Licensed Hours

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Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. Application must be lodged 14 days prior to the event.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)	
Premises licence number	EL0110
Premises name and full postal address (including post code, which this application refers to)	The Mercat Grill
	10 Whitecraig Road
	Whitecraig, Musselburgh
	East Lothian, EH21 8PG

2. APPLICANTS DETAILS	
Name of individual	Stuart Alexander Blaikie Adrian Howlett of L-POS Ltd, lodging as agent on behalf of Premises Licence holder: Stuart Alexander Blaikie
Company/Partnership	

3. TELEPHONE NUMBERS	
Daytime	[REDACTED]
Evening	
Mobile	[REDACTED]
FAX NUMBER	
EMAIL ADDRESS (if you would prefer us to correspond you by e-mail)	
[REDACTED]	

4. PROVIDE EXTENDED HOURS APPLIED FOR (see notes 2 and 3)

Day	Commencement Time	Terminal Hour
Monday	00.00 hours	04.00 hours (alcohol til 03.00 hours)
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

5. DURATION OF LICENCE

From: [enter date] **14 February 2022 (trading day would be Sunday 13 February 2022)**
 To: [enter date] **14 February 2022 (trading day would be Sunday 13 February 2022)**

6. THE EVENT OR OCCASION

Specify the type if event or occasion to be catered for on the premises and the organiser

The 56th NFL Super Bowl 2022. The event is an annual one and the time applied for is due to the American football game being played in the USA and being broadcast on TV. We have an established group of local fans (circa 20+) who watch American football in the pub. It is a ticket only event, and this includes entry, a meal and a T-shirt to commemorate the game. The premises will close to the general public at 10pm on Sunday 13 February, it will then be cleaned and prepared and re-open to guests with tickets from 10.30pm. The game usually lasts for 3.5 to 4 hours and starts at 11.30pm, but we are happy to stop the sale of alcohol at 3am, and guests will be able to stay on until the end of game, whichever is the later.

7. CHECKLIST (Please tick yes/no)

• I have Made or enclosed payment of the fee for the application	YES/NO
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8. SIGNATURE AND DECLARATION BY APPLICANT (see note 4)

DECLARATION

IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

The contents of this Application are true to the best of my knowledge and belief.

SIGNATURE	DATE
<i>Adrian Howlett</i>	24 December 2021
Adrian Howlett of L-POS Ltd 24 Moorfield Road, Gourrock, Inverclyde PA19 1DD	

NOTES

- Section 68 of the Licensing (Scotland) Act 2005 provides that the holder of a premises licence is eligible to apply for an extension of licensed hours in connection with:-
 - a special event or occasion to be catered for on the premises, or
 - a special event of local or national significance.
- This application must be lodged at least 28 working days before the event. This excludes the day of the event and the day of lodging. Delivering on a Saturday, Sunday, after 5pm or on public holidays is not lodging.
- The extension of licensed hours may be for such period as is specified in the application or such other period as the Board considers appropriated, but it must not exceed one month.
- Data Protection Act 1998

07/01/2022

Your Ref: **EL110**

Our Ref: **607924/GB**

The Clerk of the Licensing Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



**POLICE
SCOTLAND**

Keeping people safe

Catriona Paton
Divisional Commander
The Lothians and Scottish Borders
Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
EXTENDED HOURS APPLICATION
LICENCE NO: EL110
PREMISES: MERCAT GRILL
WHITECRAIG ROAD, WHITECRAIG, EAST LOTHIAN, EH21 8PG.
PREMISES LICENCE HOLDER: MR ROBERT BLAIKIE**

I refer to the above premises and an application from Mr Stuart Blaikie (Premises owner) for extended hours to be granted on Sunday 13th of February 2022 and in terms of Section 69(2) of the Licensing (Scotland) Act 2005, I make the following objection.

The premises currently holds a licence allowing the on sale of alcohol between the hours of 11.00hrs and 00.00hrs on a Sunday.

The applicant has applied for a 4 hour extension, from 00.00 to 04.00 hours from Sunday 13th February into Monday 14th of February.

Section 68(1)(b) of the Licensing (Scotland) Act 2005 allows applications for extended hours to be granted if the Licensing Board consider it appropriate to do so in connection with a special event or occasion to be catered for on the premises or a special event of local or national significance.

OFFICIAL

The applicant has indicated that the extended hours requested are required to facilitate the televised viewing of the American football Superbowl Final 2022.

It is the position of Police Scotland that this event does not fulfil the criteria of being a special event or occasion to be catered for on the premises or a special event of local or national significance.

If granted, the terminal hour for the premises would be out with the guidelines contained within the Licensing Board's Statement of Licensing Policy, which states that the terminal hour for on sale of alcohol is 00.00hrs on a Sunday.

The extension application states that there will be in excess of twenty patrons attending the premises to watch the event. Police Scotland are of the opinion that this gives potential for anti-social behaviour and break out noise which would be of the detriment to residents in the vicinity of the premises.

Finally, if the extended hours applied for are granted, Police Scotland are of the opinion that this would set a precedent which other licensed premises in East Lothian would be likely to seek to replicate.

For these reasons, and in terms of Section 69(2) of the Licensing (Scotland) Act 2005, I object to the application for the purposes of the preventing crime and disorder and preventing public nuisance.

Yours faithfully

A large black rectangular redaction box covering the signature of the Chief Superintendent.

Catriona Paton
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 561 6119.

From: Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>
Sent: 14 January 2022 09:57
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: RE: Attached Image OCCEXT001/22

These are well run premises. I can confirm that there have been no complaints or issues relating to the operation of the premises licence.

Mr Graham Blaikie is a member of the East Lothian Licensing Forum and chairperson of the Scottish Licensed Trade Association. He and his family run a very popular restaurant and bar, which they have heavily invested in in recent years. They have made it a focal point for the community and customers from out with. The premises are frequently upgraded and maintained to a very high standard.

In my opinion, premises that have demonstrated that management has wholly embraced the conditions of their licence should be rewarded with recognition of their efforts when applying for infrequent extensions and additional facilities.

In this instance, I have no objection to the grant of the application to extend hours to 4am to watch the Super Bowl Final, subject to the following conditions:

- A personal licence holder is in attendance throughout the event.
- That the event is by invitation/ticket only and limited to no more than 40 persons.
- That attendance must include the consumption of a meal.
- That last orders be called by 2.45am and comprises no more than one drink per customer i.e. no double rounds and stacking up of multiple drinks.
- That the sale and supply of alcohol terminates no later than 3am with drinking up no later than 4am, by which time the premises should be closed.
- That staff ensure that customers are all advised to be considerate of others and leave quietly.
- That any Scottish Government temporary coronavirus measures and restrictions in place at the time should be fully complied with.

R. Fruzynski
Licensing Standards Officer
Accredited Paralegal
John Muir House
Haddington
East Lothian

Chair to the East Lothian Licensing Board
Licensing Office
East Lothian Council
John Muir House
HADDINGTON
East Lothian
EH41 3HA

13th January 2022

Your honour,

Re: Mercat Grill, 10 Whitecraig Road, Whitecraig, Musselburgh East Lothian, EH21 8PG

I write in support of the extended hours application for the Mercat Grill licensed premises to open from midnight to 4:00 AM on Sunday 13th February for the live televised screening of the NFL Super Bowl 2022. Note we will stop selling alcohol at 3am, and will close the premises as soon as the game has finished, which from experience will be some time between 3am and 4am.

We would like the opportunity to open our premises at this later hour, an additional 4 hours but 3 hours for the sale of alcohol, as there will be a live televised screening of the Superbowl from the United States of America. We would like to host this event for the benefit of all local supporters who follow American football and watch games leading up to the Superbowl at our premises. As an aside it is also a thank-you and reward to these loyal patrons who have supported our business during these challenging COVID19 pandemic times, when we have struggled with generating revenue. Should you grant the application it will benefit us, as it will give us the opportunity to generate much needed business and say thank-you to loyal patrons.

For your peace of mind, we will carry out a risk assessment to consider what we need to do on the day of the event to meet all our and licensing objectives, as we do for every day of trading. We will have a personal licence holder on duty for the duration of the event to ensure the patrons allowed entry are all well behaved, which tends to be the norm for American football supporters. The Mercat Grill is already a meeting point for American football supporters locally, and they actually encourage a good-natured atmosphere. There will be food available as part of the ticket price. We can confirm the premises will not be open to the general public after 10pm, only guests with tickets will be allowed entry.

We should add we have applied and had granted extended applications at the Mercat Grill previously for other events and the days were very successful and without incident. And when the premises trade til the early hours of the morning on a weekly basis our patrons do not give reason for neighbours to complain about noise.

We note Police Scotland have made an objection to this extended hours application. We believe the Superbowl is indeed a special event of local or national significance which is referred to at section 68 of the Licencing (Scotland) Act 2005. There are a number of premises in Edinburgh that have shown the Superbowl previously and continue to do so without incident, and with East Lothian expanding with new homes, people in these new homes will have come from Edinburgh and they will be looking for a similar experience locally. We accept the terminal hour is outwith our normal sale of alcohol which would be 12 midnight on a Sunday, however, the event in question is a live televised screening of an American football match in the USA, which is later here due to the time difference.

There will be a small number of regular patrons attending the event, all with pre-purchased tickets. We do not believe there is a potential for anti-social behaviour as we know these patrons and some of the fans don't even drink alcohol. We would ensure that as part of our risk assessment there will not be a breakout of noise which would be to the detriment of residents in the vicinity of the premises, as we plan to work out transport home for everyone in advance. We will not allow patrons to be hanging about outside unless they are walking to their transport home. And we will remain on site to control noise until everyone has departed. The premises has come a long way since we took it over, and we believe we have a good relationship with the local residents, and respect and act on any points they have raised in the past. As an example, we spent £15,000 on a new "quieter" kitchen extract system, as the one we inherited was causing a disturbance. We couldn't really afford it at the time, but we did it as we knew we had to work and live with our neighbours. We would hope our local Councillors and Police Scotland will be able to confirm they have no issue with the premises and would agree with me that since we took it over 11 years ago it has become a well-run premises for the benefit of the local community. We are now a multi award winning premises and raise lots of money for local charities.

We do not believe by this application being granted, should you wish to do so, that it would lead to a rush of applications from other East Lothian premises as they do not currently show American football games and we believe it is unlikely they would want to trade till 4:00 AM, or earlier if the game finishes earlier, on the hope of attracting new business. And we will comply to any reasonable request made by Police Scotland or a council official to ensure the event runs smoothly.

We hope you will view this application on its own merit, and we move you to grant this application as applied for.

Yours sincerely,

Graham Blaikie

Graham Blaikie on behalf of Stuart Blaikie
Mercat Grill

