



**AGENDA FOR THE MEETING OF
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 27 JANUARY 2022 at 10.00am
VIA DIGITAL PLATFORM**

Agenda of Business

Apologies

Declarations of Interest

Members and officers should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

- 1. Minutes for Approval**
East Lothian Licensing Board, 25 November 2021 **(pages 1-6)**
- 2. Major Variation of a Premises Licence**
 - a. West Barns Shop, School Brae, West Barns, Dunbar **(pages 7-26)**
- 3. Occasional Licence Extension**
 - a. The Mercat Grill, 10 Whitecraig Road, Whitecraig, Musselburgh **(pages 27-34)**
- 4. Transfer of Licence**
 - a. Shivedev Singh, The Scotsman, 179 North High Street, Fisherrow, Musselburgh **(pages 35-44)**
- 5. Chief Constable's Report to the East Lothian Licensing Board, period 1 April 2020 – 31 March 2021 (pages 45-67)**

**Carlo Grilli
Clerk of the Licensing Board
20 January 2022**

Public papers for this meeting are available to view on the East Lothian Council website:
http://www.eastlothian.gov.uk/meetings/committee/53/east_lothian_licensing_board



**MINUTES OF THE MEETING OF
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 25 NOVEMBER 2021
ONLINE PLATFORM MEETING**

1

Board Members Present:

Councillor L Bruce
Councillor F Dugdale
Councillor J Goodfellow
Councillor J Henderson
Councillor J McMillan (Convener)
Councillor F O'Donnell

Acting Clerk of the Licensing Board:

Mr C Grilli, Service Manager – Legal & Procurement

Attending:

Ms M Winter, Licensing Officer
Ms G Herkes, Licensing Officer
Mr R Fruzynski, Licensing Standards Officer
PC S Lackenby, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

None

Declarations of Interest:

None

Due to restrictions imposed during the COVID 19 pandemic, the East Lothian Licensing Board determined to proceed with the meeting by way of video conferencing.

**1. MINUTES FOR APPROVAL
Licensing Board 28 October 2021**

The minutes of the East Lothian Licensing Board meeting of 28 October 2021 were approved as a true record of the meeting.

**2a. GRANT OF A PROVISIONAL PREMISES LICENCE
National Trust for Scotland, Newhailes Estate, Musselburgh**

The application sought a provisional premises licence and had attracted no objections from the police, NHS, planning, the public, the LSO, or community council.

Niall Hassard, agent, was present to speak to the application, along with Clare Grant, Operations Manager for Edinburgh for the National Trust for Scotland. Mr Hassard explained that the National Trust for Scotland were experienced licence holders, running a variety of cafés, gift shops, and events, and reassured Members that the organisation took due diligence very seriously. The café looked to offer a light supper menu with wine, and the newly-refurbished premises saw good local footfall. Although the premises was not designed as a wedding venue, the trust also sought flexibility to run events. Mr Hassard confirmed that the stately home would not be included in the licensed area.

Councillor Henderson requested that more specific language be included in relation to the admission of children. Mr Hassard explained that the open language had been due to the presence of the ice cream shop and café within the premises, but suggested that the licence could specify that children under 12 to be accompanied by a responsible adult at all times. He also suggested that all children should be accompanied by a responsible adult after 8pm.

Responding to Members' questions, Ms Grant advised that there would be CCTV coverage throughout the courtyard, and facing onto the play park and car park. The doors would also be covered by CCTV.

The LSO had visited the estate and commented on the impressive set-up at the premises. He noted that there would be no issues in terms of noise nuisance due to the location being fairly isolated from other properties. He and Mr Hassard agreed to refine the wording in relation to children's access.

The Convener called for a roll call vote and the Board unanimously granted the application.

Decision

The Board unanimously granted the provisional premises licence. They also delegated to the Clerk of the Board to work in conjunction with the agent and LSO to finalise wording relating to children's access to the premises, specifically in relation to:

- children under 12 being accompanied at all times;
- all children being accompanied after 8pm; and
- no children being allowed to approach counters settling alcohol at events/after 8pm.

2b. The Topsy Truffle, 59 High Street, Dunbar

The application sought a provisional premises licence and had attracted no objections from the police, NHS, planning, the public, the LSO, or community council.

Julie Watt, applicant, was present to speak to her application. Ms Watt advised that The Topsy Truffle would primarily sell artisan chocolates and gifts, and she looked also to offer chocolate liqueurs and small-batch alcohol. The offer would be on an off-sales basis only, and Ms Watt hoped to eventually set up a website for online orders.

PC Lackenby confirmed that Police Scotland held no objections to the application.

The LSO advised that he had visited the property while it was still under construction, but had assessed the application in terms of licensing standards and was content to support it.

Answering questions from Members, Ms Watt said she hoped to have the internet operation set up within 6 months of opening the store. Any online orders would be managed from the shop, and the products available online would be the same as those available in store. The LSO said he would discuss the requirements under Section 119 of the act and the statement of licensing policies with Ms Watt when she was ready to begin internet sales and deliveries.

The Convener welcomed the new store. He encouraged Ms Watt to link in with the East Lothian Food and Drink Business Improvement District, where officers would be keen to assist.

Decision

The Board unanimously granted the provisional premises licence.

**3. MAJOR VARIATION OF A PREMISES LICENCE
Hallhill Healthy Living Centre, Lochend Road, Dunbar**

The application sought a major variation of its premises licence and had attracted no objections from the police, NHS, planning, the public, the LSO. The Community Council had submitted a representation.

Mr Robert Peters, premises manager, was present to speak to the application. He explained that the major variation represented an extension to the lounge and social area at Hallhill, where the premises had been outgrown due to housebuilding work in Dunbar. The off-sales request was due to people occasionally asking whether they could take home a bottle of beer or wine at closing, but very few sales were expected. The hours on a Sunday were also being adjusted to remain in line with the timings of live sports events.

PC Lackenby confirmed that Police Scotland held no objection to the application.

The LSO, along with PC Graeme Bairden, had met with Mr Peters regarding the application. He was satisfied that it would not cause any issues regarding the licensing objectives, and was happy to support the application.

The Convener commented that the Board would rely on staff to exercise good governance in terms of off-sales.

The Convener called for a roll call vote and Members unanimously agreed to grant the major variation.

Decision

The Board unanimously granted the major variation of the premises licence.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Committee agreed to exclude the public from item 4 due to the sensitive nature of discussions around the police letter.

**4. TRANSFER OF A PREMISES LICENCE
Shivedev Singh, The Scotsman, 179 North High Street, Musselburgh**

The East Lothian Licensing Board unanimously agreed to delay making a decision on the application until such time as the pending court case had been fully disposed of.



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

2

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary - (Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

East Lothian Council
Licensing

- 9 DEC 2021

Received

(Provide Details)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL290

2(b) Name and Address of Premises West Barns Shop, (A) School Brae
West Barns, Dunbar, East Lothian

Post Code EH42 1UA Tel. No. _____

Email _____

2(c) Full Name and Address of Current Licence Holder

Irfan Ahmed Khan

_____ Post Code _____

Tel. No. _____ Email address _____

3. NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought -

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and detail below the proposed changes. **(See Note 1)**

To increase the licensed hours to 10pm each day.

To add Deliveries as an Activity.

3(c) Variation to the Layout Plan of the Premises Licence

A copy of the proposed Layout Plan must accompany this application. **(See Note 2)**
In addition please provide details below of the proposed change to the layout of the Premises.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

4. LICENCE TO BE AMENDED (See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because -

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)

5. FEE PAYABLE

Information on fees can be found at https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200.00 is enclosed

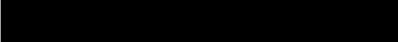


(ii) the proposed Operating Plan is enclosed



(iii) the  enclosed



(iv) the  sed



Signature  (See note 5 overleaf)

Date 

Capacity ~~APPLICANT~~ / AGENT (delete as appropriate)

If agent, please provide details

Full name Macdonald Licensing

Address 21a Rutland Square, Edinburgh

EH1 2BB Post Code

Tel. No. 0131 229 6181 Email address alistair@macdonaldlicensing.com

Note 1

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005 .

Note 5: Data Protection Act 2018

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

CONTACT US

East Lothian Licensing Board
Licensing Office, John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY		
Received & Receipt No.	System Updated	Licence Issued

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Name, address and postcode of premises to be licensed.

West Barns Shop (A) School Brae West Barns Dunbar East Lothian EH42 1UA
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Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO
<i>*Delete as appropriate</i>	

Question 2

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

Question 3

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10am	10pm
<i>Tuesday</i>	10am	10pm
<i>Wednesday</i>	10am	10pm
<i>Thursday</i>	10am	10pm
<i>Friday</i>	10am	10pm
<i>Saturday</i>	10am	10pm
<i>Sunday</i>	10am	10pm

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>N/A</i>
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**If YES – provide details*

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1	COL. 2	COL. 3	COL. 4
<i>5(a) Activity</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	No	No	No
<i>Bar meals</i>	No	No	No
<i>5(b) Activity Social functions including:</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	No	No	No
<i>Club or other group meetings etc.</i>	No	No	No
<i>5(c) Activity Entertainment including:</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Recorded music – see 5(g)</i>	No	No	No
<i>Live performances – see 5(g)</i>	No	No	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	No	No	No

<i>5(d)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Outdoor drinking</i> <i>facilities</i>	No	No	No
<i>5(e)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Adult entertainment</i>	No	No	No

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Sale of groceries and non-alcoholic products from 6am.

Deliveries

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
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<i>*Delete as appropriate</i>	
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Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES/NO*
<i>*Delete as appropriate</i>		

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

Off sales – M2

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) Name

Irfan Ahmed Khan

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address

[REDACTED]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
5 August 2015	Edinburgh Licensing Board	302067

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The content of this declaration is true and correct to the best of my knowledge and belief.

Signature * (see note below)

Date ...

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 2296181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

10/12/2021

Your Ref: EL290

Our Ref: 604738/GB



**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
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
WEST BARNS SHOP
50 SCHOOL BRAE, WEST BARNS, EAST LOTHIAN, EH42 1UA.**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

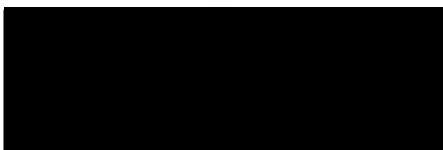
The variation requested consists of the following

- To increase the licensed hours of off sale trading to 22.00hrs daily
- To add deliveries as an activity to the operating plan.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Catriona Paton
Chief Superintendent

Aitken, Christine (Licensing)

From: Herkes, Gillian
Sent: 10 December 2021 13:48
To: Aitken, Christine (Licensing)
Subject: FW: Attached Image Major Variation - West Barns Shop, West Barns

Can you run this off and put in my tray its for the Major Variation.

Thanks

G

From: Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>
Sent: 10 December 2021 13:45
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: RE: Attached Image Major Variation - West Barns Shop, West Barns

This has always been a well-run shop, with no recorded complaints or identified issues.

I have no objection to the variation of hours applied for.

I visited the shop yesterday and met with a shop assistant and the Key Store area manager. I will visit the premises again and liaise with Mr Khan the new licence holder to maintain the very good rapport experienced over the years with the previous owner.

Kindest regards

R. Fruzynski
Licensing Standards Officer
Accredited Paralegal
John Muir House
Haddington
East Lothian
EH41 3HA

01620827363

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation. It is recommended that you consult with a licensing agent or solicitor if you are looking for legal advice on matters.

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 09 December 2021 12:04
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'Cramer, Torquil' <Torquil.Cramer@firescotland.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>

EAST LOTHIAN COUNCIL

Internal Memorandum

From: Planning Delivery

To: Clerk to the Licensing Board

Per: Neil Millar

Per: Licensing Board

Cc:

Date: 17th December 2021

LICENSING (SCOTLAND) ACT 2005

Re: Consultation response

Address: West Barns Shop, West Barns, Dunbar

Application type: Variation other than a minor variation of premises licence

I have no objection to the variations applied for, and as detailed in the application forms, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

Aitken, Christine (Licensing)

From: Herkes, Gillian
Sent: 15 December 2021 09:15
To: Aitken, Christine (Licensing)
Subject: FW: Attached Image Major Variation - West Barns Shop, West Barns

Another report this is for the Major Variation for WB's Shop. Can you just put it in my tray.

G

From: Trading Standards <tradingstandards@eastlothian.gov.uk>
Sent: 14 December 2021 13:38
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: RE: Attached Image Major Variation - West Barns Shop, West Barns

No issues for TS.

Thanks
Gillian

From: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Sent: 09 December 2021 12:04
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; 'Cramer, Torquil' <Torquil.Cramer@firescotland.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; [REDACTED]
Cc: 'Licensing@nhslothian.scot.nhs.uk'
Subject: FW: Attached Image Major Variation - West Barns Shop, West Barns

Hi All

Please find attached Major Variation for West Barns Shop, West Barns to increase the licensed hours from 8pm to 10pm each day and add deliveries. Can I please have your reports by 30th December, 2021.

Kind regards

Gillian


Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

27/12/21

DEAR SIR / MADAM,

YOUR REF: KMACN/HW/EN/L/L1.

WITH REFERENCE TO THE ABOVE APPLICATION, I WOULD LIKE TO OBJECT TO THE VARIATION TO THE LICENCED PREMISES, AND OFFER THE FOLLOWING REASONS FOR THIS.

1. CURRENTLY, THERE ARE PAPERS, BREAD AND MILK DELIVERIES TO THE SHOP, BEFORE AND AFTER 5:00AM, WHICH INVOLVES THE OPENING OF THE METAL SHUTTERS, WHICH CAN AND DO CAUSE CONSIDERABLE NOISE, WHICH CAN, AND DO INTERRUPT ONE'S SLEEPING PATTERNS.
2. THIS APPLICATION TO EXTEND THEIR OPENING HOURS, COUPLED WITH EXTRA DELIVERIES, WOULD EXTEND ALL OPERATIONS TO 10:00PM, WHICH WE THINK IS UNACCEPTABLE. (WOULD THERE BE DELIVERIES AT WEEKEND?).
3. INCREASE IN NOISE LEVELS OF VEHICLES DELIVERING, PLUS THESE VEHICLES TEND TO TURN AT THE JUNCTION OPPOSITE OUR HOUSE, AND UNLESS THEY CAN SWITCH OFF THEIR REVERSE BEEPERS, THERE WILL BE ADDITIONAL NOISE AGAIN.
4. CURRENTLY, EITHER DELIVERY VEHICLES OR CARS PARKED TO VISIT THE SHOP, PARK  OUR DRIVE, CAUSING DIFFICULTY IN GAINING ACCESS INTO OUR DRIVE, OR THIS CAUSES CONGESTION, AS WE HAVE TO DRIVE PAST, TO ALLOW OTHER TRAFFIC TO PASS.
5. FINALLY, AND NOT APPLICANTS RESPONSIBILITY, BUT DUE TO THE

CONDITION OF THE ROAD SURFACE, AND THE COUNCIL'S INABILITY TO REPLACE / REPAIR THIS SURFACE, THE ROAD IS ONLY GOING TO DETERIORATE FURTHER, WITH ADDITIONAL DELIVERY VEHICLES, AND OTHER TRAFFIC, STOPPING TO PURCHASE GOODS FROM THE SHOP.

WHILST NOT WISHING TO PUT A DAMPNER ON THE SHOP'S BUSINESS INTERESTS AND PROFITABILITY, WE HAVE TO THINK OF OUR OWN WELL BEING, SHOULD THIS APPLICATION BE ALLOWED TO PROCEED.

YOURS FAITHFULLY.

A large black rectangular redaction box covering the signature area of the letter.

OCC EXT 001/22
P/RH/W 51

EAST LoTHIAN LICENSING BOARD

Licensing (Scotland) Act 2005

Application for Extension of Licensed Hours

3

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
--	---------------

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



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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.

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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

2. TRANSFEREE INFORMATION

Where the transferee is an individual complete part 2(a) only

2(a) If transferee is individual

Full name Shivedev Singh

Address [REDACTED]

Post Code [REDACTED]

Tel. No. [REDACTED] Email address [REDACTED]

Place of birth [REDACTED] Date of birth [REDACTED]

Where the transferee is a partnership, company or club/other body please complete part **2(b)**, **2(c)** or **2(d)** respectively. If the transferee is a partnership, company or club/other body then part **2(e)** must also be completed.

2(b) If transferee is a Partnership

Full name _____

Address _____

Post Code _____

Tel. No. _____ Email address _____

2(c) If transferee is a Company

Full name _____

Company Registration No. _____

Address of registered office _____

Post Code _____

Tel. No. _____ Email address _____

2(d) If transferee is a Club or other Body

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ Email address _____

2(e) Where transferee is a partnership, company or club/other body please provide the names, home addresses, dates and places of birth of all connected persons as defined by Section 147(3) of the Licensing (Scotland) Act 2005.

(Continue on a separate page if necessary)

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ Email address _____

Place of birth _____ Date of birth _____

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ Email address _____

Place of birth _____ Date of birth _____

4. REASON FOR APPLICATION

In terms of Section 34(3) of the Licensing (Scotland) Act 2005 please confirm the reason why the application for transfer has not been lodged by the Premises Licence Holder.

The Premises Licence Holder, being an individual has-

- Died
- Become incapable within the meaning of Section 1(6) of the Adults with Incapacity (Scotland) Act 2000

The Premises Licence Holder being an individual, partnership, company or club/ other body has -

- Become insolvent or been dissolved
- Transferred to another person (by sale or otherwise) the business carried out in the licensed premises to which the licence relates

Please provide documentary evidence of your capacity to apply for this transfer. (e.g. copy of power of attorney, confirmation of appointment by the court as executor, concluded missives, lease, etc)

5. LICENCE TO BE AMENDED (See note 1 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.
I am unable to produce the Premises Licence because:

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details) _____

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee is enclosed. (See note 2 below)

Signature  _____ (See note 3 below)

Date 08/10 /2021 _____

Capacity APPLICANT / AGENT (delete as appropriate)

If agent, please provide details

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ Email address _____

To Whom It May Concern

Date: 09/10/2021

I Zohab Malik T/A North News at 179 North High Street, Musselburgh, EH21 6AN, Premises Licence Number ELO337, confirm that the business situated at above mentioned address is going to be taken over by Shivedev Singh, [REDACTED] on the completion of all the financial agreements.

So, I consent to commence the transfer of Premises Licence No, ELO337 on to the proposed new owner as mentioned above.

[REDACTED]
Zohab Malik

07/01/2022

Your Ref: EL0337

Our Ref: 592181/GB

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



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

UPDATED OBJECTION FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE ON APPLICATION OF PERSON OTHER THAN LICENCE HOLDER
NORTH NEWS
179 NORTH HIGH STREET, FISHERROW, MUSSELBURGH, EAST LOTHIAN, EH21 6AN.
APPLICANT – SHIVEDEV SINGH [REDACTED]**

I refer to the above application and in terms of Section 33(6)(b)(i) of the Licensing (Scotland) Act 2005, I have to advise you that the applicant Shivedev Singh has been convicted or charged with the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
[REDACTED]			

[REDACTED]

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[REDACTED]

It is the opinion of Police Scotland that due to the above the application to transfer the license of the premises to Shivedev Singh be refused.

Further, in terms of Section 33(6)(a)(ii) of the Licensing (Scotland) Act 2005, I have to advise you that no connected person has been convicted of any relevant offence.

FURTHER INFORMATION 07/01/2022

[REDACTED]

As such it remains the position of Police Scotland that due to the above, the application to transfer the license of the premises to Shivedev Singh be refused.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully



Catriona Paton
Chief Superintendent

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



5



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CHIEF CONSTABLE'S REPORT TO THE
EAST LOTHIAN LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2020 to 31ST MARCH 2021

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FOREWORD

In accordance with Section 12(A) Licensing (Scotland) Act 2005 I provide the Annual Licensing Report for 2020/21.

I would like to thank you for working with policing to keep the people of Scotland safe in what has been an extremely demanding year. During these challenging times Police Scotland has continued to work closely with Local Authorities and key stakeholders and, collectively, we have played a crucial role in supporting the national response to the COVID-19 pandemic, explaining the rules and encouraging our fellow citizens to do the right thing.

We have embraced new, flexible ways of working that have involved remote or home working where possible and the incorporation of new IT solutions. We have quickly adapted to these changes while continuing to provide a high standard of service to our communities.

We have also continued to deliver effective regulation of Liquor Licensing whilst taking full cognisance of the restrictions and requirements conferred by the Coronavirus Regulations. Our focus has been on preventing alcohol fuelled violence, disorder and antisocial behaviour along with supporting the national response to suppress the virus.

I would like to thank our many local partnerships and acknowledge the good work that they do; without their support we would not be able to maintain the high standard in licensing in the East Lothian area.

Police Scotland remains committed to working with others to achieve the licensing objectives. I am confident that through effective, collaborative working we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Iain Livingstone QPM

Chief Constable

Police Service of Scotland

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POLICE SCOTLAND LICENSING OVERVIEW

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2020/2021, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Working closely with Licenced Premises and Scottish Government to navigate the challenges of the COVID-19 pandemic through the 4Es approach by engaging, explaining, educating and enforcing.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management. Police Scotland are

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currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

LICENSING BOARD AREA

The East Lothian local authority area is policed by J Division. Chief Superintendent John McKenzie is the Local Police Commander who has the responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Neil Mitchell is based at Haddington. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Mitchell is supported by Inspector Stuart Fletcher who is based at Tranent. The East Lothian Licensing Boards are predominantly attended by Inspector Fletcher.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector John McEwan and Sergeant Karen Harling.

The local liquor Licensing Department is based at Dunbar Police Station. This consists of one police officer, Police Constable Graeme Bairden, supported by administration staff based at Dalkeith Police Station.

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Local Policing Priorities

Following our public consultation process, the policing priorities for J Division, as set out in our Local Policing Plan are as follows;

- Protecting the most vulnerable people
- Reducing Violence & Antisocial Behaviour
- Tackling Serious and Organised Crime
- Improving Road Safety
- Reducing Acquisitive Crime

In response to the local policing priorities, J divisions will continue to address violence, including focusing on alcohol related violence as well as dealing with disorder and antisocial behaviour related to the sale, and consumption of alcohol. It is recognised that education, prevention, partnership working and robust policing are all key factors in reducing crime and disorder in this area.

Description of Board Area

The command area of East Lothian serves, as of 30th June 2019, a population of 107,090 people in an area covering over 262 square miles from Musselburgh to the Dunbar area on the east coast and south into the Lammermuir Hills. The age group 25-44 saw a 5.4% decline in numbers over the last 20 years while the 65 - 74 age group saw a 45.6% increase in population over the same period (National Records of Scotland). Approximately 31,333 persons residing in the East Lothian are in the 45-64 age group which represents 29.3% of the population. Between 2018 and 2028, the population of East Lothian is projected to increase from 105,790 to 113,403. This is an increase of 7.2% which compares to a projected increase of 1.8% for Scotland as a whole.

There are currently:

- 61 'on sales' only premises,
- 94 'off sales' only premises, and

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- 133 combined on/off sales premises

Giving a total of 288 premises in East Lothian licensed to sell alcohol.

In the Alcohol Outlet Availability and Harm report (April 2018) published by Alcohol Focus Scotland, East Lothian is ranked 18th out of 30 local authority areas for alcohol outlet availability in Scotland (13th for on-sales and 21st for off-sales outlets). East Lothian has an alcohol outlet availability lower than Scotland as a whole. Other key findings for East Lothian include;

- Alcohol-related death rates in the neighbourhoods with the most alcohol outlets were 4 times higher than in neighbourhoods with the least.
- Alcohol-related hospitalisation rates in neighbourhoods with the most alcohol outlets were double those in neighbourhoods with the least.
- Crime rates in the neighbourhoods with the most alcohol outlets were 2.5 times higher than in neighbourhoods with the least.
- The link between alcohol outlet availability and harm was found even when other possible explanatory factors, such as age, sex, urban/rural status and levels of income deprivation, had been taken into account.
- The total number of alcohol outlets in East Lothian decreased by 17 (5.9%) from 286 in 2012 to 269 in 2016.

COVID-19 PANDEMIC

The year 1st April 2020 to 31st March 2021 was very unique in many ways, particularly in relation to the licensed trade due to the various restrictions placed on premises on how, when and where they can safely operate throughout the Covid-19 Pandemic.

Police Scotland set up 'Operation Talla' in response to the pandemic, ensuring a consistent and measured approach was taken to implementing restrictions throughout the country. Lothian Scot Borders Licensing Department worked closely with Operation Talla, as well as Liquor & Civic Licensing Policy Unit to provide clear and

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consistent advice to operational officers, to enable them to support premises as they introduced special measures in their premises in response to restrictions.

Police Licensing, in partnership with Licensing Standard Officers (LSO's) and Environmental Health Officers worked closely with the licensed trade, including legal representatives, throughout this difficult time, providing guidance, advice and support to them and their staff to assist in the safe operation of licensed premises through the unprecedented challenges that faced them over the reporting period.

Changes to the levels system introduced by the Scottish Government as part of the route-map out of lockdown meant that East Lothian was one of the areas where 'on sales' premises moved progressively from being closed to limited sales outdoors in the lead up to Christmas. Officers also worked with East Lothian council to support the introduction of Festive Stalls in Haddington in December 2020.

Whilst the pandemic is not yet over, with the introduction of vaccines in the coming year, it is expected that society, including the hospitality trade can start returning to a level of 'normality' including the re-opening of pubs, restaurants, nightclubs, sporting venues and other licensed premises throughout the division. Police Licensing will continue to work closely with both internal and external partners to help ensure the safe and successful return of customers to licensed premises throughout the division, as well as the return of many of the annual events.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

The Licensing Officer is responsible for processing all correspondence received from the Licensing Board. The officer reviews applications on behalf of the Chief Constable as part of the consultation process in conjunction with the Area Commander. This consultation process forms part of the Police support of the Licensing Objectives.

This section concentrates on how the Act has been applied by the licensing team and other local policing officers to support the Licensing Objectives in tandem with the local/national policing priorities.

In East Lothian, there were 195 recorded incidents in licensed premises between 1st April 2020 and 31st March 2021, this figure shows a major decrease from 355 recorded

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incidents equating to 55% on the year before. There continues to be a notable trend in thefts of alcohol from 'off sales' premises over the reporting year, this may be due to the impact that Covid-19 has had on society. There is continued work being carried out by the East Lothian Council Licensing Standards Officer and Police Licensing Officer with regards to crime prevention in this particular area in order to combat this trend. Police Scotland carried out 226 recorded inspections of licensed premises in East Lothian during the reporting year. This shows a decrease of 22% decrease and is affiliated to the impact of the Covid-19 pandemic accompanied by restrictions on Licensed Premises opening and reduced trading hours having the effect of reduced visits.

On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0400.

The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour occurring on our street and within our homes. In addition, alcohol is also known to lower inhibitions and can render an individual as much a victim as a perpetrator of crime.

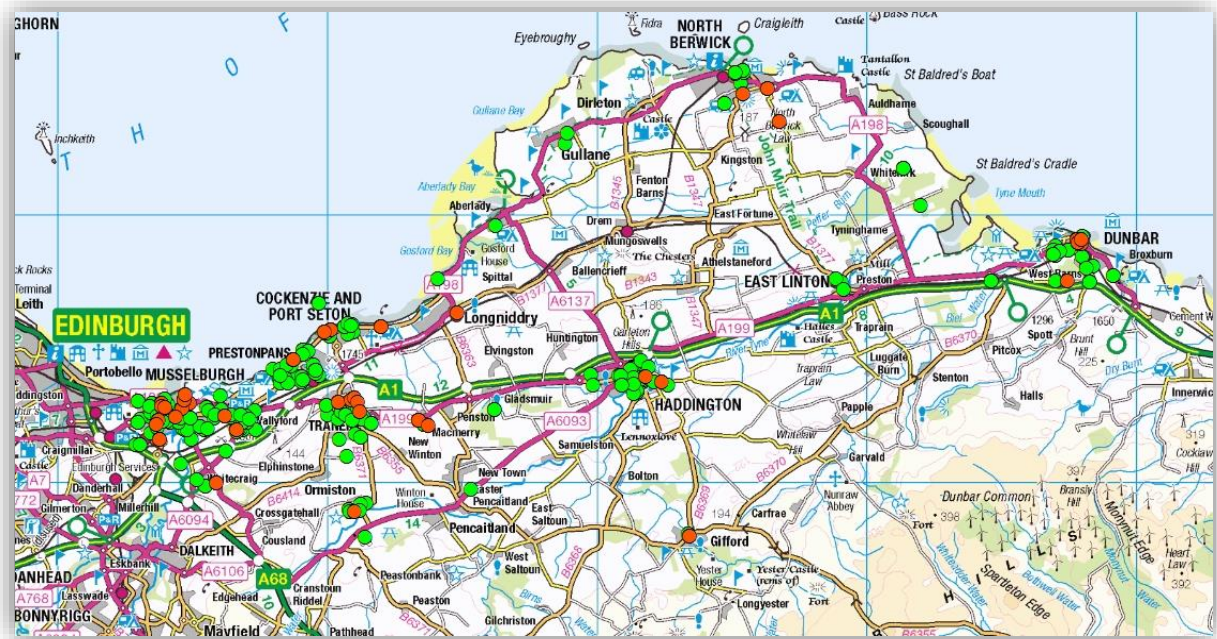
We continue to ensure there is a concerted focus on the issues surrounding the sale and supply of alcohol within our communities and work together in partnership with Licensed Premises and other agencies to promote responsible trading practices, ultimately keeping people safe.

Violence and ASB Data Where Alcohol Is a Factor

Violence recording indicates an "Alcohol" marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 766 recorded crimes of violence for the 2020-21 period, a total of 150 had the alcohol marker attached to the crime report. Of that total 97 were in residential locations leaving 53 acts of violence in a public space where alcohol featured.

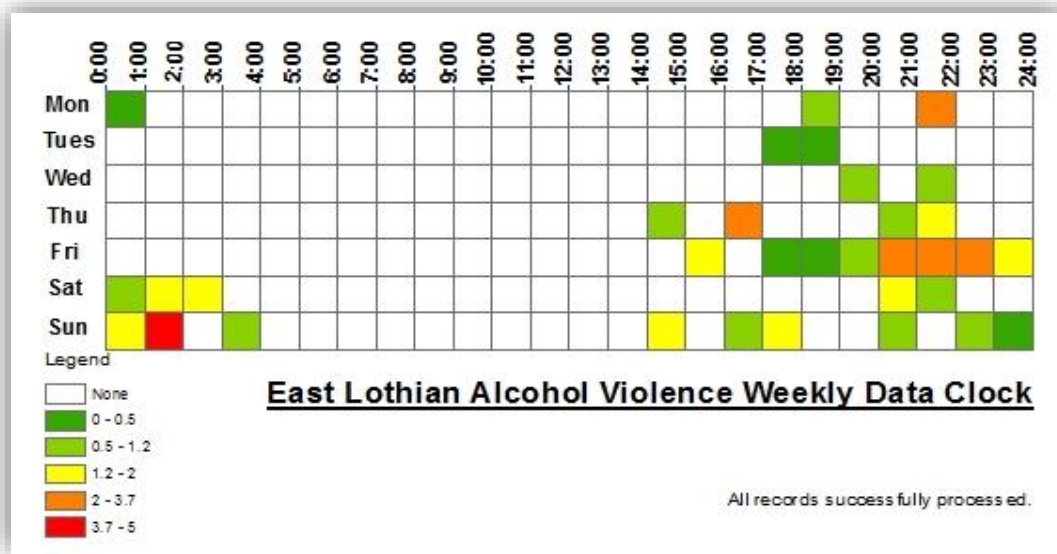
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The following map has been produced indicating the locations of public space violence where alcohol is a factor. The red dots indicate alcohol while the green dots are the other crimes where no such aggravator has been added.



The areas of Musselburgh, Prestonpans, Tranent, Haddington and Dunbar are evident above. The data clock below is based on alcohol related acts of violence and clearly shows the weekend from Friday through to Sunday as most prominent.

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The Intervention Process

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established intervention process. Incidents connected to premises are identified by licensing officers who evaluate the Licensing Objectives to determine if any have been compromised.

Police intervention usually results in a meeting with the appropriate representatives of the premises concerned e.g. premises licence holder, designated premises manager and if appropriate, any stewarding company to discuss concerns and agree a way forward to resolve these.

Premises being monitored by way of the above system are subject to weekly visits by either local officer's or licensing officers to monitor progress, measure improvement and ensure that agreed remedial measures are implemented.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may obviously merit an immediate review application.

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Depending on the severity of the incident and history of the premises, licensing officers will categorise the premises/incident as follows:

Police Intervention Categories		Number this reporting Year
RED	Problematic Premises – those operating in a manner inconsistent with the Licensing Objectives or out with the conditions of a premises licence and where local police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local Licensing Board is considered the most appropriate way to address the issue.	0
AMBER	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between premises licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.	0
GREEN	Monitored – the premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.	1
NO ACTION	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.	0

Over the last calendar year there has been no premises in East Lothian which have been classed as 'Monitored'. In addition, there has been no problematic premises.

During the reporting year there was one premises in East Lothian that required formal intervention and review to Licensing Board following an incident where an underage youth had purchased alcohol and subsequently required medical assistance after consuming same. A written warning against the premises licence was given by the Licensing Board following the hearing.

Summary

Section 1 – Unlicensed Sale of Alcohol

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence. During the reporting year no premises or events were found to be operating unlicensed.

Section 22 - Applications

Over the reporting year, there were 8 Provisional Premises Licences, a decrease of 9 from the previous year and 1 Confirmation of a Provisional Premises Licence granted by the Board, a decrease of 5 on the previous reporting year.

Section 36 – Application for Review of Licence

Police Scotland only seek review of a premises licence when an intervention has failed, is likely to fail or there is a serious risk to public safety if the premises continues to operate in the same manner e.g. the resulting problems as well as community impact must be considered.

In this reporting year there was one review application of this type submitted by Police Scotland in East Lothian.

Section 63 – Sale or Supply out with licensed hours

Officers in East Lothian monitor the sale or supply of alcohol out with licensed hours closely. Local officers continue to make pro-active visits to licensed premises, particularly at weekends, to ensure premises are being managed appropriately. The police Innkeeper IT solution can be accessed by police control staff and officers alike, twenty four seven, providing any information on licensed hours etc. that are required, out with normal office hours of the Licensing Department. Close monitoring of premises through the use of Innkeeper, tasking's, and night time economy dispersal

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details continue to assist in reducing offending of this nature. In this reporting year, there have not been any licence holders reported for this type of offence.

Section 72 – Personal Licence Applications

There were 75 applications made for the grant or renewal of personal licences during this reporting year in East Lothian. This is a significant decrease on the previous year from 345 applications in 2019-2020 reporting period. This equates to a 78% decrease.

The amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 permitting the Chief Constable to request refusal for the purposes of ‘any’ Licensing Objective has widened the scope for making appropriate representations to the Board. During this reporting year there has been one representation of this type made to the Licensing Board. We are currently awaiting the outcome of criminal proceedings prior to any decision being made by East Lothian Licensing Board.

Section 84 (84A) – Personal Licence Reviews

Police Licensing Officers are responsible for monitoring the conduct of personal licence holders. Again, the amendment to legislation has widened the ability for the Chief Constable to report conduct inconsistent with the Licensing Objectives.

There were no Personal Licence Reviews requested by Police Scotland in this reporting year.

Section 94 – Exclusion Orders

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises, a request for an Exclusion Order is included in the ‘remarks’ section of the police report. Exclusion Orders are granted by the Courts, ‘on conviction’, and can exclude a person from specific licensed premises for between three months and up to two years. The Police Licensing Officer proactively drives the

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request for exclusion orders whenever there is an incident in or in the immediate vicinity of licensed premises. Persistent offenders can also be dealt with under the Anti-Social Behaviour legislation. The use of Exclusion Orders are fully supported by the licensed operators in East Lothian.

Section 97 – Closure Orders

There were no closure orders used within East Lothian during the reporting year. It is fully expected that should a premises require to cease trading, due to a serious risk to public safety, that we would receive full cooperation from the licence holder or person in charge.

Sections 111-116 – Drunkenness / Disorder Offences

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported – East Lothian	2019-20	2020-21
Section 111 (drunk persons within licensed premises)	0	0
Section 112 (obtaining alcohol by or for a drunk person)	0	0
Section 113 (sale of alcohol to a drunk person)	0	0
Section 114 (DPM drunk whilst on duty)	0	0
Section 115 (disorderly conduct within licensed premises)	1	1
Section 116 (refusal to leave licensed premises)	5	3

The numbers reported to COPFS above remains relatively low as a result of officers using their discretion in many cases. Due to the Covid-19 pandemic, we have seen a decrease in reported incidents in licensed premises as would be expected given the initial lockdown and subsequent tiering system and return to further lockdown. We remain committed to keeping people safe and improving the quality of life for residents in East Lothian.

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Partnership Working

The Licensing Officer supported by local policing officers, have promoted the Police Service of Scotland's Force Priorities in conjunction with the five licensing objectives and the overarching principles and aims of the Licensing (Scotland) Act 2005.

Police management in East Lothian continues to enjoy a positive working relationship with partner agencies, in particular with East Lothian Council and the Licensing Board. The local licensing officer works regularly with a number of partner agencies and organisations to improve local licensing issues including Trading Standards, Environmental Health, HM Revenue & Customs, Immigration, East Lothian Licensing Forum, Midlothian & East Lothian Drug and Alcohol Partnership (MELDAP), Best Bar None initiatives, Security Industry Authority, NHS Lothian, Scottish Ambulance Service and Scottish Fire and Rescue.

During the course of this unprecedented year, the licensing officer has carried out a considerable amount of joint working to ensure compliance to the Covid-19 regulations. Many licensed premises were issued with corrective advice and guidance. This joint working practise also forged new links and provided reassurance and much need support to licence holders. Going forward this working practise will continue.

Licensing Standards Officer (LSO)

The local Police Licensing Officer works regularly with a number of partner agencies including the Local Authority. He continues to work alongside the LSO within East Lothian to maintain effective information sharing procedures and establish good partnership working. This unified approach has resulted in a number of successful resolutions in East Lothian.

East Lothian Licensing Forum

The Police licensing officer is an active member of the East Lothian Licensing Forum however during this last reporting year there has not been much activity as a direct result of the Covid-19 pandemic.

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Best Bar None (BBN)

Best Bar none is a unique National Award Scheme aimed at raising standards and rewarding licensed premises who undertake positive management practices in support of a safe night out.

The purpose of the Best Bar None Scheme is to

- Reduce alcohol related crime
- Promote social responsibility and duty of care.
- Improves knowledge and skills to assist in responsible management.
- Promotes partnership working to identify good practices and areas for improvement.
- Supports due diligence
- Awards both locally and nationally to reward success.
- Operating more responsibly can improve the commercial viability and attractiveness of a venue and locality.

During this reporting year the 'Best Bar None' scheme was sisted due to the majority of the premises being closed for most of the reporting period. The BBN scheme is something that Police Scotland will continue to drive forward as it promotes and encourages responsible management of licensed premises.

Campaigns

During this reporting year there were no campaigns run by J division a direct result of the Covid-19 pandemic.

PREVENTING THE SUPPLY OF ALCOHOL TO CHILDREN AND YOUNG PEOPLE

Introduction

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons and working with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

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Activity

Officers continue to routinely proactively visit premises licensed for 'off-sales' to ensure that they are aware of their responsibilities under the 2005 Act, and in particular in the run up to and during school holidays.

Likewise, officers will continue to routinely proactively visit premises licensed for 'on-sales' to ensure that management have taken all appropriate measures to prevent the sale or supply of alcohol to young people under age.

The provision of 'Test Purchasing', in terms of Section 105 of the principal legislation, is a tactic that is used by Police Scotland, and the East Lothian command area will continue to use this tactic as and when required as an effective tool in the fight against underage sales.

Due to the 'code of practice' introduced by Government on 1st March 2018, a Directed Surveillance Authority under the terms of the RIP(S)A (Regulation of Investigatory Powers Scotland Act) must now be sought before a Test Purchase Operation is carried out.

East Lothian have the ability to carry out test purchase operations on an intelligence led basis. When initial intelligence is received pertaining to premises selling alcohol to persons under 18, the first stage in the process is to issue a warning letter to the premises. This letter is delivered by hand by the licensing officer who will also inspect the premises and discuss expectations regarding the responsible sale of alcohol with the licensee. If further intelligence is received after this intervention then at this juncture there will be a discussion around a test purchase operation being implemented.

A 'National Proxy Purchase Campaign' was scheduled to take place in 2020 where Police and partners would engage with premises to raise awareness of the issue of adults buying alcohol for children and young people. This was aimed at providing education, support and advice to premises, as well as using local and social media to highlight the impacts of it to communities, in an effort to reduce proxy purchases in the division as a whole. Unfortunately, this campaign was also postponed as a result of Covid-19 pandemic.

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There are two dedicated School Link Officers based in high schools in East Lothian and they are seen as one of the main links between Police and children and young persons in the area. The local licensing officer continues to work alongside School Link Officers to provide education and support to students around the dangers of alcohol not only to their own health but also the impact on the community.

Fake Identification

The trade in fake identification is very lucrative, and there appears to be more circulating amongst our young people than ever before, especially fake driving licences, resulting in then having access to alcohol.

The Police Licensing Officer and Community Officers continue to educate licensed premises in order to keep up with trends and how to target the use of fake identification. This collaborative working approach has proven successful in the past and has led to increased training for new staff members and more stringent practices and procedures in place.

Offences relating to children and Young Persons

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported – East Lothian	2019-20	2020-21
Section 102 (sale of alcohol to a child or young person)	0	1
Section 103 (allowing the sale of alcohol to a child or young person)	0	0
Section 104A (supply of alcohol to a child)	0	3
Section 104B (supply of alcohol to a young person)	2	2
Section 105 (purchase of alcohol by or for a child or young person)	1	0

Section 104A and 104B is a new addition following the amendment made to the Act by the Air Weapons and Licensing (Scotland) Act 2015. This has proved to be a very

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useful weapon in the fight against 'agent purchase' or 'proxy purchasing' and will continue to be used by local officers whilst out on patrol.

TACKLING SERIOUS AND ORGANISED CRIME

The Serious Organised Crime Task Force was set up by the Scottish Government to provide direction and co-ordination for all organisations involved in tackling Serious Organised Crime in Scotland.

The task force has a remit to disrupt, dismantle and pursue Serious Organised Crime Groups (SOCGs). Key partners include Police Scotland, NCA, HMRC, COPFS, SOLACE and the Scottish business Resilience Centre, amongst others.

If SOCGs gain a foothold in licensed premises then this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

SOCG's pose a serious threat to communities, individuals and businesses. We use intelligence and enforcement to break the cycle of crime and reduce opportunities for criminals to profit from illegal activity.

Examples of Serious and Organised Crime Activity in the Board area

Over the past year, the Police Licensing Officer has scrutinised and interrogated licence applications to identify where Serious and Organised Crime Groups (SOCGs) may be trying to enter legitimate businesses. This is particularly detailed when processing new premises and transfer applications, where the applicant may be asked to evidence the source of any financing. Unfortunately a lot of SOCGs already have a foothold in licensed premises which makes it very difficult to object to these applications because more often than not they have no relevant convictions to comment on. In some cases they do not actually transfer the licence, they are 'tenants', who neither hold the premises licence or the Designated Premises Manager position and therefore are not 'relevant' persons.

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The police Licensing Officer continues to monitor the persons connected to licensed premises in East Lothian, who are known to have links to SOCGs. All opportunity is taken to disrupt the running of these licensed premises whenever an opportunity arises. Proactive visits to these premises keeps the pressure on these operators and ultimately they tend to leave an area as quickly as they arrived.

As detailed in last year's Chief Constables report to Licensing Boards, the disclosure of intelligence on applicants' criminal activities is now an option that can be used to object to a licence. This document is known as an 'Information Assessment Disclosure' or IAD. This process is strictly managed and has now been used successfully to disrupt the activities of a prominent East Lothian SOCG nominal and highlighted excellent collaborative working between local Licensing Officers and the East Lothian Licensing Committee resulting in the nominal being refused a civic licence and also leading to his subsequent withdrawal of a premises licence application for the East Lothian area.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

The division has an operation which focuses on violence in all forms and recognises that alcohol has a significant part to play in a large amount of the recorded crimes and incidents.

We will continue to work towards both divisional and national priorities in particular in connection to the consumption of alcohol by carrying out the following proposed activity over the coming year.

- The licensing officer will continue to work alongside partner agencies and LSO's to provide quality and pertinent advice and support to licence holders and their staff in order to ensure they keep both their staff and customers safe during these unprecedented times and are aware of the legislation and licensing objectives.

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- Local Community Police Officers' will undertake a dedicated night time economy policing plan which focusses on alcohol related incidents, antisocial behaviour, violence, disorder and drugs misuse. They provide a targeted and coordinated approach in conjunction with the local licensing officer to deter, disrupt and detect antisocial behaviour. This activity will include licence premise visits to ensure compliance and good practice. Any incidents occurring at or near any licensed premise are further followed up on by the local licensing officer.
- Local Licensing Officer will continue to analyse intelligence and disseminate to colleagues allowing for a measured and focussed tasking approach.
- All reports of proxy purchase will continue to be prioritised and interventions with premises to educate and provide advice and support. Further use of social media platforms to provide awareness.
- To engage with licensees to deliver any national campaigns including providing 'Bystander' training to licence premise staff with a view to education to protect vulnerable persons within licensed premises and help tackle sexual violence connected to alcohol consumption.
- Engage with any major event organisers to agree alcohol management plans for the events, work alongside partner agencies and events planning to provide advice from a licensing perspective at any safety and advisory group meeting in relation to any such event.
- Continue to raise objections, representations and other appropriate concerns in relation to applications for all types of alcohol licences. Furthermore continue to review incidents and submit licensing reviews to the local authority to be reviewed by the Licensing Board.

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- Work towards ensuring a safe and successful transition out of this current Covid-19 pandemic, providing support, education and advice to patrons and operational Police Officers encouraging safe re-opening of licensed premises and the return of major events to East Lothian.

CONCLUSION

We would like to thank you for your continued support during what has been a challenging year for all. We have had to adapt to a new way of working and ever changing circumstances which has been embraced by all.

We look forward to a safe and healthy 2021 / 2022.