

OCC EXT 001/23

EAST LoTHIAN LICENSING BOARD

13th Feb

Licensing (Scotland) Act 2005

9/1 Police
LSO

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	
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] **13 February 2023 (trading day would be Sunday 12 February 2023)**

To: [enter date] **13 February 2023 (trading day would be Sunday 12 February 2023)**

6. THE EVENT OR OCCASION

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

The 57th NFL Super Bowl 2023. 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 12 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 <i>Adrian Howlett</i> 	DATE 6 January 2023
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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 appropriate, but it must not exceed one month.
- Data Protection Act 1998



L-POS

Project & Operation Solutions to the Leisure Industry

Ms Gillian Herkes
East Lothian Licensing Board
Licensing Office
East Lothian Council
John Muir House
HADDINGTON
East Lothian
EH41 3HA

6 January 2023

Dear Gillian,

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

I enclose for your attention the application for extended hours for the above premises for a private event to show the NFL Super Bowl 2023 on TV.

We can confirm the premises will not be open to the general public after 10pm, only guests with tickets will be allowed entry.

I have made payment in the sum of £10 to cover the application.

If you have any queries with the content, or require further information please contact myself on [REDACTED]

Yours sincerely,

Adrian Howlett

Adrian Howlett
Special Projects
L-POS Ltd, On behalf of Stuart Alexander Blaikie
[REDACTED]

10/01/2023

Your Ref: **OCCEXT001/23**

Our Ref: **690067**

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



**POLICE
SCOTLAND**

Keeping people safe

Catriona Paton
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders
Division
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

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 STUART BLAIKIE**

I refer to the above premises and an application from Mr Stuart Blaikie (Premises owner) for extended hours to be granted on Sunday 12th of February 2023 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 12th February into Monday 13th 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 2023.

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.

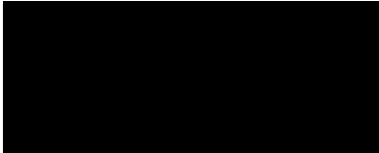
If granted, the terminal hour for the premises would be out with the guidelines contained within the Licensing Board's Statement of Licensing Policy, which states that the terminal hour for on sale of alcohol is 00.00hrs on a Sunday.

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



Catriona Paton
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583

EAST LoTHIAN COUNCIL

Licensing Standards

From: K. Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 10th January 2023

Subject: LICENSING (SCOTLAND) ACT 2005
REPORT OCCASIONAL LICENCE EXTENSION OCCEXT001/23,
THE MERCAT GRILL, 10 WHITECRAIG ROAD, WHITECRAIG,
EH21 8PG

I refer to the above application and wish to make the following observations and recommend the below conditions are added to the licence.

This application has been considered in relation to the Licensing Objectives detailed within the Licensing (Scotland) Act 2005 and any observations given are restricted to those areas.

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

Mr Graham Blaikie, premises manager and personal licence holder, is a member of the East Lothian Licensing Forum and involved in the Scottish Licensed Trade Association. As a manager he wholly embraces the conditions of the licence.

The event the extension is applied for is the 57th NFL Super Bowl 2023. This is an annual event.

I have no objections to the grant of the application however, I recommend the following conditions:

- A personal licence holder is in attendance throughout the event
- The event is by invitation/ticket only and is limited to no more than 40 persons
- The attendance must include the consumption of a meal
- That last orders are called by 02.45am and comprises of no more than one drink per customer
- The sale and supply of alcohol terminated no later than 3am with a drinking up time of no later than 4am by which time the premises should be closed

- The staff ensures that customers are all advised to be considerate of others and leave quietly

K. Harling
Licensing Standards Officer

