



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

**THURSDAY 26 JANUARY 2023 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, 24 November 2022 **(pages 1-8)**
- 2. Major Variation**
No. 12 Hotel & Bistro, 12 Quality Street, North Berwick **(pages 9-34)**
- 3. Extended Hours Application**
The Mercat Grill, 10 Whitecraig Road, Whitecraig, Musselburgh **(pages 35-42)**
- 4. Occasional Licences**
Buck & Birch, Unit 9, Merryfield Business Centre, Macmerry **(pages 43-58)**
- 5. Grant of Personal Licence**
Stephen Stevens **(pages 59-67)**

Carlo Grilli
Clerk of the Licensing Board
19 January 2023

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 24 NOVEMBER 2022
ONLINE PLATFORM MEETING**

1

Board Members Present:

Councillor L Bruce (Convener)
Councillor C Cassini
Councillor G Gilbert
Councillor G McGuire
Councillor J McMillan

Clerk of the Licensing Board:

Mr C Grilli, Service Manager – Governance

Attending:

Ms M Winter, Licensing Officer
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Ms K Harling, Licensing Standards Officer
PC G Bairden, Police Scotland

Committee Clerk:

Ms B Crichton – Committees Officer

Apologies:

Councillor F Dugdale

Declarations of Interest:

None

1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 27 October 2022

The minutes were agreed as an accurate record of the meeting.

2. PRESENTATION FROM SNAPPY SHOPPER DELIVERIES

Chris O'Donnell, from Snappy Shoppers Deliveries, provided the Licensing Board with a short overview of the platform, which was used by the convenience sector to make home deliveries of groceries and alcohol. His presentation explained the doorstep control over the vending of licensed products. He advised that under the Snappy Shopper platform, stores employed their own drivers to fulfil deliveries. The app made drivers aware of any age-restricted products within the order. Mr O'Donnell provided an explanation of the app's prompts to follow Challenge 25, inspect customer ID, and to capture the date of birth; if the requested ID could not be provided, the driver would refund the age-restricted items. The app would record this information live on the doorstep, and the retailer dashboard could access the electronic refusals log and other reports and information, including statistics as to how often ID was requested, geolocation data, etc. A Licensing Standards Officer (LSO) could therefore access live reports when requested. The app developers worked closely with convenience retailers and advised them to contact a licensing solicitor to submit a major variation to add deliveries to their premises licence operating plan, and to have delivery drivers undertake the mandatory two-hour alcohol licensing training.

Mr O'Donnell responded to questions from Members. He advised that it was possible from both the platform end and the retailer end to block a customer on the basis of their address, phone number, house number, etc., to ensure the system was not open to abuse. He said that brand awareness in the area was still poor, and there was room for greater uptake in East Lothian. He advised that Scotmid convenience stores were one of the platform's biggest customers. He advised that drivers were encouraged to walk away from any situations which could compromise their safety, and gave an account of strict policies whereby the name on the order had to match the name on the ID presented. Drivers had to work solely with the store, unlike other platforms such as Uber. He advised that, should it not be possible to make delivery of alcohol, drivers were required to return the products to the store.

Responding to further questions from Members, Mr O'Donnell explained there was a sign-up fee for retailers, for which they were provided a tablet and a point-of-sale kit. He advised of work with test shoppers; should a store fail a test once, further training was put in place, with another test visit undertaken within four weeks. Three test failures in a row would result in the retailer being removed from the platform. He also gave an account of how retailers could be sure that procedures were being followed, by checking refusals registers and whether ID checks were being made by individual drivers. Retailers were made aware that non-compliance by drivers would risk their licence, since delivery drivers were an extension of their business. He noted that allowances had been made for retailers through Covid-19 legislation, but rules were becoming stricter; the app developers were very happy to work with LSOs to ensure compliance.

Decision

The East Lothian Licensing Board agreed to note the presentation.

3. MAJOR VARIATION

a. Premier Store, 8 Muirpark Drive, Tranent

The application sought to add deliveries to the operating plan, and to amend the alcohol display area, amend the operating hours to 10am-10pm, add takeaway food, delivery of food and alcohol, and add background recorded music. There had been no objections from the public, police, NHS, community council, or planning. The LSO had made recommendations in relation to compliance with Board policy on deliveries.

Gordon Emslie, agent, was present to speak to the application. He provided background information on the store, and described the concept 'beer cave', which was a chilled room for alcohol display, which helped to reduce utility costs. He advised that home deliveries would be in partnership with the Snappy Shopper app. The store had undertaken home deliveries under Covid legislation; they now looked to add deliveries to their operating plan, with alcohol as an ancillary offer to groceries deliveries. He said that the store owners were responsible retailers who never had issues with the police or LSO, and he noted there had been no objections to the application.

Responding to a question from PC Bairden, and concerns from Members over the name 'beer cave', Mr Emslie described a glass room which would store alcohol, and reassured Members that it was more secure than chiller displays.

Karen Harling, LSO, had no objection to the changes to operating hours. She noted a slight increase in alcohol display capacity. She had visited the store and met with Ms Ali, the designated premises manager (DPM). Deliveries had come in whilst Ms Harling was in attendance; she had spoken with the driver and viewed the store's training records. She noted her support for the application and recommended standard conditions for the applicant to operate in terms of the Licensing (Scotland) Act 2005, Sec. 119. She also recommended that CCTV be installed inside the beer cave.

Councillor McMillan supported the application, and felt reassured by the condition to install additional CCTV. He welcomed the beer cave as an energy saving solution. The LSO added that the beer cave actually made it easier for staff to manage the alcohol display area due to it being a contained space, and Mr Emslie added that new CCTV was planned as part of the store's upgrade.

There was discussion around the alcohol display capacity, and the LSO calculated that there was no increase in terms of the licence; there was an error in the current licence listing the entire floor area of the store instead of the alcohol capacity area. Mr Emslie would correct any errors as part of this application.

Councillors McGuire and Bruce welcomed the enhancement to the local business and investment in the store, and would support the application.

The Convener moved to a roll call vote, and the major variation was unanimously approved.

Decision

The East Lothian Licensing Board agreed to grant the major variation, subject to LSO-recommended conditions.

b. Day Today, 84 High Street, Haddington

The application sought to add deliveries of alcohol and groceries to the operating plan, in conjunction with the Snappy Shopper app. There had been no objections from the public, police, NHS, community council, or planning, and the LSO had made recommendations in relation to compliance with Board policy on deliveries.

Shivakumar Kandaswamy was present to speak to the application, and operated both Day Today (item 3b) and Haddington Wines and Whiskies (item 3c). He said that the stores had never failed in a test purchase. He had spoken with the app developers to find out more about underage deliveries to ensure the system could not be abused, and provided the Board with various examples of due diligence. He advised that his wife, who was DPM of Day Today, made the deliveries.

The LSO had visited both premises, Day Today and Haddington Wines and Whiskies, where she had seen the Snappy Shopper app in action. She recommended that deliveries were carried out in compliance with the Board policy, and noted her support for the applications.

The Convener highlighted issues with proxy purchasing in the Haddington area, and enquired as to whether any deliveries were undertaken separate to the Snappy Shopper platform. Mr Kandaswamy advised that all deliveries were in conjunction with Snappy Shopper.

Councillors McGuire and McMillan both voiced their support for the applications. Councillor McMillan was reassured by the operators' due diligence, and highlighted their care for the community in which they lived and worked.

The Convener moved to a roll call vote and the major variation was unanimously approved.

Decision

The East Lothian Licensing Board agreed to grant the major variation, subject to the LSO-recommended conditions.

c. Haddington Wines & Whiskies, 82 High Street, Haddington

Carlo Grilli, Clerk of the Board, noted that all discussions pertaining to Day Today at item 3b also applied to the major variation application for the current item.

Mr Kandaswamy advised that around 25% of the deliveries from the two premises were made from Haddington Wines & Whiskies, and the majority of customers were elderly people.

The LSO noted her full support for the application, and asked Members to consider the same recommended conditions in relation to deliveries, as discussed in the previous item.

The Convener moved to a roll call vote and the major variation was unanimously approved.

Decision

The East Lothian Licensing Board agreed to grant the major variation, subject to the LSO-recommended conditions.

d. Bear & Bull, 72 High Street, Dunbar

The application sought: to change the on-sales and off-sales core hours to open at 7am (outwith core hours) for the provision of tea/coffee and cake; for children and young people to be granted access at various times, depending on age, with only adults allowed only after 7pm; addition of an outside seating area to be open 8am-8pm; to increase the capacity from 70 to 78; to add deliveries to customers; to add conference facilities, restaurant/bar meals, receptions, club meetings, and background music; and for the outside drinking area to be used in the morning outwith core hours. There had been no objections from the public, police, NHS, or planning. The LSO had made recommendations in relation to compliance with Board policy on deliveries, and standard conditions relating to: takeaway food timings; restrictions on when music could be played indoors; restrictions on use of the outside seating area; there being no amplified entertainment in the outdoor area; delineation of the outdoor area and removal of furniture when the area was no longer in use, and keeping the area clear of litter; keeping the adjacent footpath clear; and no standing being allowed in the outdoor area. Council officers had also submitted representation to note that there was no objection to outside caterers providing food for immediate consumption onsite, provided there was no cooking of meals on the premises, due to there being no onsite kitchen.

Cara Davies, licence holder, was present to speak to the application. She had run the premises as a bar since its purchase in 2019, and was developing a family-focused café through the day. She thought the proposals would be a great asset to the community, and highlighted letters of support from the community council and MSP.

The LSO had met with Ms Davies several times to provide guidance on making changes to the operating plan and licence to support services the business wished to offer. She noted that the only change to core hours was on a Sunday to 11am, which was within Board policy. She supported the changes being made to move away from a traditional pub, and listed all of the recommended conditions contained within her report. Ms Davies responded that she was aware of the support her team would require, and said Ms Harling had been very helpful throughout the process.

Councillor McMillan asked whether CCTV could be installed to cover the outside area. Ms Davies responded that there was already CCTV to the front of the building, and the outdoor area could be seen from the serving area.

PC Bairden commented that Ms Davies was organised and professional, and the premises had never caused issue to police. He asked that the outdoor area be clearly delineated with barriers.

Councillor McMillan was pleased to hear of the wide support; he would also support the application and wished Ms Davies well in diversifying the business. He commented that the plans were in line with council economic development and tourism strategies.

Councillor McGuire thought the initiative sounded exciting and well planned. He would support the initiative, noting the wide community support and its contribution to retaining footfall on the high street. The Convener also voiced his support for the venture.

The Convener moved to a roll call vote and the major variation was unanimously approved.

Decision

The East Lothian Licensing Board agreed to grant the major variation, subject to the following LSO-recommended conditions:

- Take away use only from 7am to 8am, and no persons to sit inside/outside;
- No music to be played before 8am indoors, the use of outside seating be opened no earlier than 8am and closed by 8pm;
- No public entertainment, amplified music or live music to be played in the outside area to ensure not to cause nuisance to neighbouring residential properties;
- The outdoor area should be clearly delineated with removable barriers and all seating and barriers should be removed between 8pm & 8am;
- No blockage of any part of adjacent footpath or roadway;
- Only seating, no standing in the outdoor area;
- Outdoor area to be kept clear of rubbish and cigarette litter;
- The applicant to operate in the terms of the Licensing (Scotland) Act 2005 Sec119 and those of the Board's Statement of Licensing Policy on deliveries of alcohol to be complied with.

4. GRANT OF PERSONAL LICENCE Amerjeet Singh

The application for a personal licence had come before the Board on the basis of representation from Police Scotland, which requested that the application be refused for the purposes of preventing crime and disorder and securing public safety licensing objectives.

Amerjeet Singh, applicant, was present to speak to the application. He provided background to his employment history in the trade. He explained that he had previously completed the training to hold a personal licence, but had misplaced the certificate and therefore had not applied for the licence before now. He now worked for North Berwick Golf Club and had undertaken the training once more in July 2022.

PC Bairden advised of Mr Singh's convictions under the misuse of drugs act, and highlighted that no declaration of convictions had been made on his application form. He noted also a pending case for driving under the influence of alcohol, with a trial date of 15 March 2023; the police letter concluded that Mr Singh had a disregard for the law and was not a suitable person to hold a personal licence.

Responding to questions from Councillor McMillan, Mr Singh explained that his conviction under the misuse of drugs act had been from a difficult time in his life when he had been experiencing challenging family circumstances. It had occurred before he had his own family and had been in a secure place. He provided background to his employment in the trade, where he had held positions of responsibility, but had been made redundant during the Covid-19 pandemic. He said he had held a drivers licence for 13 years and had never before driven under the influence of alcohol, and said the circumstances around the charge had been after an argument at a family event. He said he had not been in a good state of mind at the time. He reassured Members that the incident had nothing to do with his professional position, and as a result of the incident, he no longer drank alcohol.

Responding to a question from the Convener, PC Bairden highlighted that there was also a conviction from May 2019 under the misuse of drugs act, which should have been declared. Mr Singh responded that he had not tried to mislead Members. He said he required a personal licence to progress in his career, and was concerned he could be dismissed if he could not obtain the licence. He said he had changed from when the incidents took place.

Councillor McMillan felt that Mr Singh's failure to declare his convictions and pending case raised the questions as to whether he was a fit and proper person to hold a personal licence. He noted Mr Singh's account of an unstable family background, but also felt that Mr Singh's actions were evidence of someone who acted irresponsibly when under pressure. Mr Singh responded that he was in a better place in his life and in a secure job. He said his past mistake continued to haunt him, but felt he would be able to make progress if he held a personal licence.

Councillor McMillan asked how Mr Singh would respond to a customer planning to drive home under the influence of alcohol. Mr Singh said that he would make management aware, would offer the customer a taxi, and would call the police if necessary. PC Bairden wanted to clarify that Mr Singh was aware that he had a conviction from 2019, and Mr Singh responded that he had been unsure at what point a conviction became a spent conviction.

Responding to a question from Councillor McGuire, Mr Singh advised the 2019 conviction had been from when friends had left a small quantity of cannabis in his car.

The Convener called an adjournment to allow Members to discuss the application in private.

Upon Members' return, the Convener advised that the Board felt it would not be in a position to make a determination as to whether Mr Singh was a fit and proper person to hold a personal licence until after the court case had taken place in May 2023. They would continue the application, and discuss again after the pending case had been resolved.

Decision

The Board agreed to continue the application.

5. NON-PAYMENT OF ANNUAL FEES

a. New Plough, 63 High Street, Tranent

The Clerk of the Board advised that officers were aware that the premises had been closed for over 18 months, and no contact had been made by the licence holder. Due to non-payment of annual fees, the Clerk asked the Board to consider revocation of the licence under Section 31 of the Board's Statement of Licensing Policy.

The Convener moved to a roll call vote, and Members unanimously voted to revoke the premises licence.

Decision

The premises licence was revoked.

b. Stodola, 109 High Street, Musselburgh

The Clerk of the Board advised that the annual fees payment had been received late. Officers had made contact with the applicant to remind them of the importance of complying with the licence requirement to make payment of fees on time. He asked the Board to note the late payment of fees, but to take no further action.

The Convener noted that despite the difficulties faced by the trade in the current financial climate, there had been very few instances of late or non-payment of fees, and appreciated licence holders' cooperation in this matter.

Decision

The Board noted the late payment of annual fees and agreed that no further action would be taken.

Signed

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Councillor L Bruce
Convener of East Lothian Licensing Board



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION **2**

LICENSING (SCOTLAND) ACT 2005, SECTION 29

**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).

(Provide Details)

To Change the Company name to - No12 Hotels Ltd.

To Change the name of the premises to - No12 Hotel & Bistro

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0278

2(b) Name and Address of Premises No12 Hotel & Bistro, 12 Quality

Street, North Berwick, East Lothian

Post Code EH39 4HP Tel. No. _____

Email _____

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

No12 Hotel Ltd, 12 Quality

Street, North Berwick, East Lothian

_____ Post Code EH39 4HP

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)

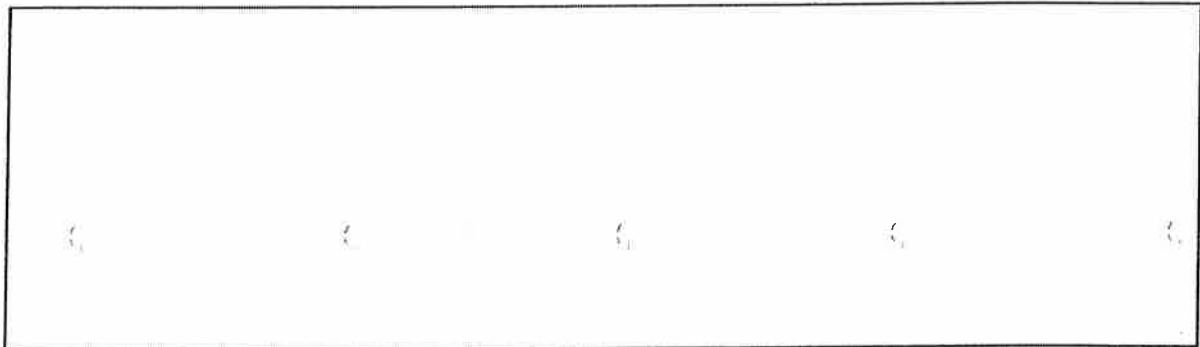
To commence on sales from 9am each day.

To clarify that the exercise of this additional facility for non-residents would only be for customers having breakfast

To provide that the premises are a hotel and therefore the normal type of Activities that might be available outwith licensed hours are applicable, such as TV Sport in the bedrooms, background music and Bar Meals, if the hotel was to provide food outwith core hours - for instance quests arriving late.

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)

To Change the name of the premises to - No12 Hotel & Bistro.

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 proposed 

(iv) the Premises 

Signature _____

(See note 5 overleaf)

Date _____

9/11/12

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

If agent, please provide details

Full name Macdonald Licensing

Address 21a Rutland Square, Edinburgh

Post Code EH1 2BB

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.)

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

No12 Hotel & Bistro
12 Quality Street
North Berwick
East Lothian
EH39 4HP

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>	NO
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES
<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>	9am	11pm
<i>Tuesday</i>	9am	11pm
<i>Wednesday</i>	9am	11pm
<i>Thursday</i>	9am	1am
<i>Friday</i>	9am	1am
<i>Saturday</i>	9am	1am
<i>Sunday</i>	9am	Midnight

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11am	10pm
Tuesday	11am	10pm
Wednesday	11am	10pm
Thursday	11am	10pm
Friday	11am	10pm
Saturday	11am	10pm
Sunday	11am	10pm

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES
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**If YES – provide details*

We would like to take advantage of any extended period of trading granted by the Board for significant local/ national events, e.g. the Festive period, bank holidays etc.

Question 5

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

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

<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>	Yes	Yes	Yes
<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.

Outdoor drinking available for coffee and soft drinks outwith licensed hours.

Music will be ambient background music from 8am for breakfast.

Breakfasts available from 8am.

TV Sport available in bedrooms and food could be provided outwith core hours at certain times.

There could be occasional instances where there is a function (e.g. a funeral) or a club meeting which starts before licensed hours commence.

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.

The normal facilities expected of a hotel of this type may be available to guests at all times.

The hours from 9am to 11am will only be used for non-residents having breakfast in the Hotel

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>
<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
<i>*Delete as appropriate</i>	

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
	<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*

Only when having a meal or with an appropriate adult.

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

0-18 years.

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

Core hours – children when accompanied by an adult.
Young persons anytime.

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

Children and young persons will be admitted to all public areas.

Question 7

CAPACITY OF PREMISES

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

On sales – 85 Capacity Breakdown - 85

Question 8

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

Personal details

8(a) *Name*

Sean McCashey

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

12 Quality Street, North Berwick, EH39 4HP

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>
11 November 2013	City of Edinburgh Council	13/16548

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of this document are true to my knowledge and belief.

Signature (redacted) (below)

Date 9/10/22

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.

Supplementary Application Information

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation. Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

Business Profile

Please describe your business offering.

The premises are a well-known hotel containing a bar/bistro (previously known as Signals Bistro), which has been owned by the Applicant since March 2014.

It is a well-known landmark in North Berwick and caters for locals, visitors and tourists, on a regular basis.

The premises have gone through a refurbishment and are now known as "No12 Hotel and Bistro", but the ethos of the business has not changed.

What our clients would like to do is commence licensed hours earlier. We are of course aware of the Board Policy, but feel that a case can be put for this.

It is of course the case that residents can already order a drink prior to licensed hours, and for those that are visiting or on holiday that is quite common where they maybe have a late breakfast and a pint of beer or bloody mary! After breakfast they would then leave and carry on their visits elsewhere.

Quite often non-residents ask if they can have a drink as well, and it does cause confusion amongst both customers, which staff then have to explain. This is one of the reasons that our clients would like to be able to provide this facility to non-residents.

It would only be if they had breakfast.

(extend this box if you require additional space)

On/Off Consumption

(a) Please describe the type of business you intend to operate in respect of On consumption.

(a) Is for residents and non-residents having a drink, and may be having a meal or snack as well.

(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries

(b) This was used by our client during the pandemic but is fairly unusual now. Guests might ask for packed lunches for instance including alcohol, or a customer might like a particular bottle of wine and ask for a bottle to take away.

Clarification is required in relation to the content of your proposed Operating Plan

(extend the boxes below if you require additional space)

To what extent do you intend to use any of the following: Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

The premises are a hotel so yes to Accommodation.

There is not really the facility to have Conference Facilities.

Restaurant Facilities and Bar Meals are already included in the Licence and these are provided.

Social Functions – Weddings; Birthdays; Retirements ; Other - If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

Our clients seldom cater for functions as they have limited space, so if held they are reasonably small scale. There could be a birthday, retirement etc where the parties might take over the rooms in the hotel as well.

These would be reasonably infrequent because of the size constraints.

Entertainment – Recorded Music; Live Performances; Dance Facilities; Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

Recorded Music is provided, and TV Sport in both the lounge and in the rooms.

There are not Dance Facilities as such although there may be dancing at functions.

Theatre, Films and Gaming are not applicable.

Indoor/ Outdoor Sports are not applicable either.

Outdoor Drinking Facilities - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

There is an area for outside tables and chairs to the front of the premises and there is a beer garden at the back which belongs to the hotel, where residents and non-residents can sit and have a drink or something to eat.

Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

Not applicable.

Activities Outwith Licensed Core Hours - In your Operating Plan, directly below question 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

Because this is a hotel there are facilities as you would expect in a business of this type available to residents outwith core hours.

For non-residents, there are locals who use this for breakfasts, or snacks in the morning, and of course that is relevant to the current Application.

There may be some functions, such as funerals, which commence before licensed hours.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

Not applicable.

Children and Young Persons – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

Firstly they may be residents and of course children and young persons will be staying with an adult in the rooms and therefore would be present on the premises at all times.

For non-residents there are no restrictions during core hours. Outwith core hours they would only be present during a private pre-booked function, as requested in our Application.

Licensing Objectives - Please provide details below of how you will ensure that the 5 Licensing Objectives are complied with. It may be helpful in answering this section if you refer to the East Lothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at the following link or the Council website [policy link](#)

(extend the boxes below if you require additional space)

Preventing Crime and Disorder:

Signals Bistro and now No12 Hotel & Bistro, have not had issues with crime and disorder in the past, and do not expect to do so in the future.

The Application, including the early hours, is not envisaged as being a catalyst for any additional problems. As explained alcoholic drinks would only be sold if someone was having a breakfast, and then they would leave, so it is not increasing the number of hours that people would be drinking on the premises.

The number of drinks consumed are likely to be relatively small and it is not anticipated that any customers would have had "too much to drink" but of course staff will be trained to monitor this situation.

Our clients have a good relationship with the Police and would of course contact them if there were any issues that required them to do so.

Securing Public Safety:

The safety of customers and staff is paramount to our clients. They take great pride in their hotel and consider that it is an asset to the hospitality industry in East Lothian. They receive references from guesthouses and other businesses, which is a huge compliment to them. That is something that they would not want to prejudice with the suggested changes.

Preventing Public Nuisance:

Again our clients do not consider that their operation causes problems with other neighbours. It has not in the past and this will not increase the hours that the premises operate but just add a facility within that period.

Our clients are sure that this would operate without increasing public nuisance.

Protecting and Improving Public Health:

With regard to public health our clients do not wish to provide a facility that is prejudicial to the health of any of their patrons. Whilst this is increasing the licensed hours, it is not envisaged that it would increase significantly the alcohol consumed. It is probably a single drink from a tourist or visitor with their breakfast, while they are on holiday, enjoying themselves.

Protecting Children and Young Persons From Harm:

Children and young persons will be present on the premises during breakfasts and snacks but this is not considered to be something that would be operated in a way that the atmosphere would be anything other than conducive to their presence.

Obviously patrons could be drinking on the premises from 11am, and there has been no issues where the atmosphere has been anything other than appropriate.

Again staff will be trained to monitor the situation.

Application Supporting Comments / Any Other Additional Information

(extend the boxes below if you require additional space)

Additional Information:

These are premises that may well be known to Board Members and we hope that they share our opinion that they are well operated and a credit to the town.

It is just a small facility, which our clients do get asked for, and which they would very much like to be able to utilise.

Supporting Comments: i.e. reasons why the Board should support your application.

Our clients feel that this would add something to enjoy to visitors without causing any problems. It might be used by visitors and tourists, including perhaps people coming to play or watch golf and wanting a quick drink before they go along. Certainly our clients would not allow people to sit for hours! It would just be one or two drinks with their food.

For those staying in the hotel, they are able to do this anyway, and it just means that people staying in other accommodation would be able to join them.

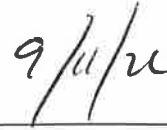
SIGNATURE AND DECLARATION BY APPLICANT

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

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

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

Signature



A handwritten signature in black ink, appearing to read 'A. Macdonald', is written over a large black rectangular redaction box.

Macdonald Licensing
21a Rutland Square,
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

01/12/2022

Your Ref: **EL0278**

Our Ref: **680777/GB**

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



**POLICE
SCOTLAND**

Keeping people safe

Chief Superintendent
Catriona Paton
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
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
NO 12 HOTEL & BISTRO
12 QUALITY STREET, NORTH BERWICK, EAST LOTHIAN, EH39 4HP.**

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

The variation requested consists of

- A change in both the company and premises name.
- An increase in on sale hours to commence at 09.00hrs, seven days a week.

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

In terms of Section 22(1)(a) of the same Act, I make the following objection.

The requested hours for the commencement of on sales at 09.00hrs, seven days a week are out with Board Policy hours and would be in conflict with the Scottish Government's recommendation for on sales not to exceed 14 hours per day.

If the application were to be granted it would set a precedent for East Lothian, one which Police Scotland would not support or encourage.

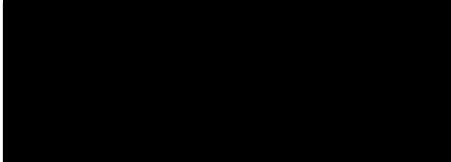
In terms of section 22(1)(a) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- Preventing crime and disorder.
- Protecting and improving public health.

There are no objections in regard to the change of Company and Premises name.

This objection is submitted for your attention in considering this application.

Yours faithfully



Catriona Paton
Chief Superintendent

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

EAST LoTHIAN COUNCIL

Licensing Standards

From: Karen Harling

Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 28th November 2022

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION 2022

NO 12 HOTEL & BISTRO, 12 QUALITY STREET, NORTH BERWICK, EAST LoTHIAN EH39 4HP

I can confirm that I have spoken with the applicant previously in relation to this variation application. I advised that the hours requested are out with board policy, however the board will review every application on its own merit.

This is a small hotel and I unaware of any complaints have been submitted in relation to the premises.

The changes applied for are:

- To change the core on sales hours to begin daily at 0900 hours
- Addition of receptions outwith core hours
- Addition of bar meals outwith core hours
- Addition of club and group meetings outwith core hours
- Addition of televised sport outwith core hours

This application is out with policy in respect of licensed hours before 11:00 each day and is also inconsistent with the Scottish Government's recommendation of not permitting licensed hours in excess of 14 hours per day.

However, the applicant is entitled to apply for hours which he deems to be in his business interests to meet a demand which he feels outweighs the existing availability and legal exception that hotel guests as well as their guests can be sold and supplied with alcohol at any

time during their stay on the premises.

Each application is determined on its own merits and the Board may grant the application against policy if they are satisfied that there is a genuine demand by non-residents for the 09:00 hours consumption of alcohol and that none of the licensing objectives would be compromised such as protecting public health with the extended drinking time of up 14-16 hours for non-residents.

Funeral teas could be provided for by submission of an extended hours application even at short notice.

I have no objection to the receptions, bar meals, club/group meetings and televised sport outwith core hours. To my knowledge the name of the premises has already been completed. I urge the board to consider the policy and information above in respect of the change of core on sales hours to 9am.

I submit this report for the information of the Board in determining the application of the extension of the core licensed hours.

K. Harling
Licensing Standards Officer

Rafferty, Alison (Licensing)

From: Kathryn Smith [REDACTED]
Sent: 09 December 2022 15:24
To: Licensing
Subject: RE: Attached Image No 12 Hotel & Bistro

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Gillian

North Berwick Community Council discussed the major variation application in respect of the premises at No12 Hotel and Bistro, Quality Street, North Berwick at its meeting this week and have no comments to make.

Kind regards
Kathryn

Kathryn E Smith
Secretary, NBCC

From: Licensing [mailto:licensing@eastlothian.gov.uk]
Sent: 22 November 2022 10:20
To: LothianScotBordersLicensingEastMid@Scotland.police.uk; Harling, Karen (Licensing); Environmental Health/Trading Standards; Environment Reception; Trading Standards; Cramer, Torquil; Grant, Shona; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk
Subject: FW: Attached Image No 12 Hotel & Bistro

Good Morning

Please find attached Major Variation for the above. Any representations/objections must be made by 23rd December, 2022.

Kind regards

Gillian

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



Herkes, Gillian

From: Robertson, Scott
Sent: 25 November 2022 09:23
To: Licensing
Subject: RE: Attached Image No 12 Hotel & Bistro

Hello,

Please note I have no comments or objections to make in relation to the major variation application at No12 Hotel and Bistro.

Kind Regards
Scott Robertson
Assistant Planner

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 22 November 2022 10:20
To: LothianScotBordersLicensingEastMid@Scotland.police.uk; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Cramer, Torquil <Torquil.Cramer@firescotland.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk
Subject: FW: Attached Image No 12 Hotel & Bistro

Good Morning

Please find attached Major Variation for the above. Any representations/objections must be made by 23rd December, 2022.

Kind regards

Gillian

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



Herkes, Gillian

From: Trading Standards
Sent: 23 November 2022 15:22
To: Licensing
Subject: RE: Attached Image No 12 Hotel & Bistro

Hi

No objections from a TS viewpoint.

Thanks
Alex

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 22 November 2022 10:20
To: LothianScotBordersLicensingEastMid@Scotland.police.uk; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Cramer, Torquil <Torquil.Cramer@firescotland.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk
Subject: FW: Attached Image No 12 Hotel & Bistro

Good Morning

Please find attached Major Variation for the above. Any representations/objections must be made by 23rd December, 2022.

Kind regards

Gillian

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



From: "Herkes, Gillian" <gherkes@eastlothian.gov.uk>
Sent: 22 November 2022 10:11

Herkes, Gillian

From: Douglas, Andrew
Sent: 23 November 2022 15:04
To: Licensing
Cc: Environmental Health/Trading Standards; Muir, Marion
Subject: Fwd: Attached Image No 12 Hotel & Bistro
Attachments: image001.png; Herkes_ Gillian_QXM04806_FIREBIRD_4762_001.pdf

From: "Douglas, Andrew" <adouglas@eastlothian.gov.uk>
Date: 23 November 2022 at 13:36:00 GMT
To: "Muir, Marion" <mmuir@eastlothian.gov.uk>
Subject: FW: Attached Image No 12 Hotel & Bistro

No objs, std conditions.

EHTS – can this e-mail be scanned to commercial premises ref: 14/00022/COM as '2022 Major Variation'.

Thanks

Andrew

From: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Sent: 22 November 2022 11:01
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: Attached Image No 12 Hotel & Bistro

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 22 November 2022 10:20
To: LothianScotBordersLicensingEastMid@Scotland.police.uk; Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>; Cramer, Torquil <Torquil.Cramer@firescotland.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; licensing@nhslothian.scot.nhs.uk; secretary@northberwickcommunitycouncil.org.uk
Subject: FW: Attached Image No 12 Hotel & Bistro

Good Morning

Please find attached Major Variation for the above. Any representations/objections must be made by 23rd December, 2022.

Kind regards

OCC EXT 001/23

EAST LoTHIAN LICENSING BOARD

13th Feb

Licensing (Scotland) Act 2005

9/11 Police
LSO

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	
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	DATE
<i>Adrian Howlett</i>	6 January 2023

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.

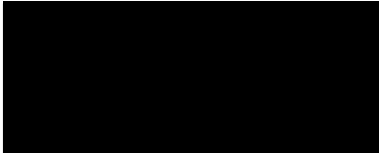
If granted, the terminal hour for the premises would be out with the guidelines contained within the Licensing Board's Statement of Licensing Policy, which states that the terminal hour for on sale of alcohol is 00.00hrs on a Sunday.

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

15/11

OCC 799/22
Adv 19/12

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

4

REFERRAL NOTES FOR COMPLETING APPLICATION FORM:-

1. Application to be sent to: Clerk to the Licensing Board
Licensing Division
John Muir House
Haddington
East Lothian EH41 3HA
2. The application requires to be lodged not later than **42 days** prior to the date of the function together with the fee payable of **£10.00**.
3. For marquee or outside events - 4 copies of a detailed plan should be lodged with the application, showing the area and grounds which are required to be licensed.
4. The Board can only consider applications for Occasional Licence applied for by such person whom are listed below:
 - i) the holder of a premises licence
 - ii) the holder of a personal licence and
 - iii) a representative of any voluntary organisation
5. Applicant should advise Council's Environment and Consumer Services Department on 01620 827365 of any intention to prepare and serve food at the function. Applicant should also advise what toilet facilities are to be provided.
6. Applicant should advise Council's Environmental Protection Department on 01620 827365 if they are intending to have live or amplified music.
7. It is the policy of the Licensing Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it. Therefore, applicants for events mainly focused towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol licence is required and may be required to attend a Licensing Board hearing for a determination.

East Lothian Council
Licensing
16 DEC 2022
Received

Occasional Licence and Supplementary Information Form
EAST LoTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

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.

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

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	
Personal licence number (if applicable) EL1244	
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr			
Surname	WAITES		
Forenames	Rupert Alan		
DATE OF BIRTH	Day 25	Month 01	Year 1976
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
<div style="background-color: black; width: 150px; height: 30px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 150px; height: 30px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 150px; height: 30px; margin-bottom: 5px;"></div>			
Post town	<div style="background-color: black; width: 100px; height: 15px;"></div>	Post code	<div style="background-color: black; width: 80px; height: 15px;"></div>
TELEPHONE NUMBERS <div style="background-color: black; width: 150px; height: 15px; display: inline-block;"></div>			

Daytime	
Evening	
Mobile	██████████
FAX NUMBER	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	
rupert@buckandbirch.com	
3. THE PREMISES	
Description of premises	
A single storey unit in Merryfield Business Centre, consisting of bonded production facility and warehouse with separate office space and reception room	
Description of activities to be carried on in the premises – (including number of persons expected to attend)	
A retail shop in our bonded production facility selling our alcoholic liqueurs, spirits and cocktails.	
Complimentary samples may be offered to visitors but no drinks will be sold to consumed on the premises.	
All alcoholic sales would be off sales only and not consumed on the premises.	
A license has previously been granted for similar activity at the premises mentioned	
Full postal address of premises which this application refers to	
Buck & Birch Ltd Unit 9 Merryfield Business Centre Macmerry Industrial Estate Tranent EH33 1ET	

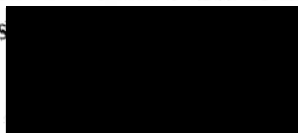
4. DURATION OF LICENCE
From: 15/01/2023
To: 24/01/2023

5. Is alcohol to be sold on & off the premises YES/NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate	
Times for sale of alcohol for consumption on premises	Times for sale of alcohol for consumption off premises

NA	Mon to Sat 10am - 6pm
Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises Mon to Sat 10am - 6pm	

6. CHILDREN (see note 2)	
This section must be completed where alcohol is for sale for consumption on the premises	
Are children or young persons permitted entry? YES (if answered yes the remainder of this section must be completed)	
Ages of children or young persons permitted entry	Times at which children or young persons permitted entry
NA	Mon - Fri 10am - 6pm (ONLY UNDER SUPERVISION OF PARENT/ GUARDIAN)
Parts of premises to which children or young persons permitted entry	
RETAIL SPACE	

7. CHECKLIST	
I have - Please tick for yes	
<ul style="list-style-type: none"> Made or enclosed payment of the fee for the application 	

8. Signature and declaration by applicant (see note 3)	
DECLARATION	
The contents of this Application are true to the best of my knowledge and belief.	
S 	DATE 16/12/2022

NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only: –

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence

PLEASE SUBMIT THIS SHEET WITH YOUR OCCASIONAL LICENCE APPLICATION FORM

SUPPLEMENTARY INFORMATION

<p>1. Event</p> <p>(a) Please detail the type of event (e.g. birthday party, anniversary celebration, ceilidh, etc.)</p> <p>(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)</p>	<p>(a) Retail shop selling our range of cocktails and liqueurs for off sales consumption only</p> <p>(b) NONE</p>
<p>2. Attendance</p> <p>(a) Approximately how many people are expected to attend?</p> <p>(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)</p> <p>(c) In the main, what age group will form the majority of those attending? Tick one box.</p> <p>(d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)</p>	<p>20 people per day</p> <p>Having asked potential customers if/ when they would visit</p> <p><input type="checkbox"/> Under 18</p> <p><input type="checkbox"/> 18 - 30</p> <p><input checked="" type="checkbox"/> 30 – 50</p> <p><input type="checkbox"/> over 50</p>

<p>3. <u>Stewarding</u></p> <p>Please note it is an offence under the Private Security Industry Act 2001 to <u>employ</u> unlicensed door stewards.</p>	
<p>Unpaid volunteers performing this function are not covered by the Act, however. More information can be found at <u>Security Industry Authority</u>.</p> <p>(a) Please state the number, if any, of stewards to be employed at the event.</p> <p>(b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.</p>	<p>(a) NA</p> <p>(b) NA</p>
<p>4. <u>Layout Plans</u></p> <p>Please indicate if -</p> <p>(a) there is a plan attached to a Public Entertainment Licence issued for the premises; or</p> <p>(b) the premises relate to a members club which has been issued with a premises licence; or</p> <p>(c) if neither of the above, please attach a detailed layout plan of the venue with the application</p>	<p>(a) NA</p> <p>(b) NA</p> <p>(c) Attached</p>
<p><u>5. Applications Lodged by Voluntary Organisations or Members Clubs Only</u></p> <p>Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December</p>	

6. Will alternatives to glass receptacles be provided?	NA
7. To what standard those serving alcohol be trained? Please provide details of any training certificate held	All staff have are qualified to serve and sell alcohol

LICENSING OBJECTIVES **	
All holders of occasional licences must demonstrate how they will promote the 5 Licensing Objectives. Please provide practical examples of what you plan to do to comply with each objective.	
8. How will you prevent Crime and Disorder at the event?	As no alcohol will be served or consumed at the premises there should be minimal risk of and crime or disorder taking place.
9. How will you secure Public Safety at the event?	With numbers restricted in line with current COVID regulations risk to visitors will be minimal.
10. How will you prevent Public Nuisance at the event?	There will be no music or entertainment to cause any noise pollution and being on an industrial estate away negates any risk of upsetting residents

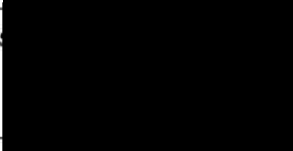
<p>11. How will you promote and protect Public Health at the Event?</p>	<p>All guidelines and regulations relating to COVID and other health issues will be upheld.</p> <p>There will be hand washing facilities in place and staff will wear appropriate PPE.</p> <p>Numbers will be limited to ensure social distancing rules will be adhered to.</p>
<p>12. How will you protect Children from Harm at the Event?</p>	<p>Any children present will be accompanied by a parent/ guardian at all times.</p>

SIGNATURE AND DECLARATION BY APPLICANT DECLARATION

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

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

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

		<p>Date 16/12/2022</p>	
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Herkes, Gillian

From: Rupert Waites <rupert@buckandbirch.com>
Sent: 06 January 2023 13:36
To: Licensing
Subject: Buck and Birch Occasional license amendment

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear sir or madam,

We recently sent in a number of occasional license applications and would like to add to the activities to be licensed that we..

Seek approval and license to sell goods from our shop and also fulfil online orders to be delivered from the same location.

Could you add this to the applications please.

Many thanks

Rupert Waites

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
REPRESENTATION OCCASIONAL LICENCE APPLICATIONS –
BUCK & BIRCH LTD, UNIT 9, MERRYFIELD BUSINESS CENTRE,
MACMERRY

Applications for occasional licences submitted by personal licence holder, Mr Rupert Waites for the above premises of Buck & Birch were heard at the August 2022 Licensing Board and the October 2022 Licensing board. A representation was made by the Licensing Standards Officer in relation to the premises operating on occasional licences longer than 3 months which is inconsistent with the Licensing Boards Statement of Licensing Policy (see below previous representations).

At the East Lothian Licensing Board hearing on 22nd August the representation for the grant of occasional licence applications for the premises Buck and Birch was heard and considered. The occasional licences were granted until 27th October 2022 and the applicant Mr Rupert Waites was asked to apply for a provisional licence application.

The remaining applications from 28th Oct 2022 – 5th Jan 2023 were heard at the October Licensing Board. Mr Waites was represented by his agent Alistair Macdonald. Mr Macdonald informed the board that applications had been made for section 50 certificates and a layout plan had been produced. It was expected that the application would be lodged in the following few weeks. The board appreciated the work that had happened and were looking forward to receiving the premises application. The board moved to grant the occasional licences until 5th Jan 2023.

To date no provisional/premises licence application for the premises has been received.

Since the October Licensing Board the Licensing Standards Officer has become aware of and given guidance on three concerning incidents as follows.

On 10th November 2022 the Licensing Standards Officer became aware of tasting events that were advertised on the Buck & Birch website. The events included tastings of the entire range of Buck & Birch products paired with canapés in the tasting room at the premises in Macmerry. The event was advertised at a ticket price of £20 per person.

The occasional licence in place at this time, as well as all previous and subsequent licences applied for and granted were for off-sales only. Under the terms of section 3 of the 2005 Act and the concept of sales pursuant to a contract, if the alcohol provided in samples or tastings is accessed by the customer having paid some form of money or money's worth to attend the event, then section 3 makes that a licensable event. On-sale purchases and consumption were taking place at the premises. With there being no on-sales provision on the occasional licence conducting these events is an offence under Section 1 of the Licensing Scotland Act 2005 - Alcohol may not be sold unless under and in accordance with a premises licence or occasional licence granted under the 2005 Act. This information was passed to PC Graeme Bairden.

The Licensing Standards Officer wrote to Mr Waites explaining this breach and asked that the tasting events cease with immediate effect until a licence for on-sales was applied for and granted. Mr Waites agreed to stop the tastings and was advised to consult with his licensing agent. At this time Mr Waites detailed that he was awaiting planning for the premises licence application.

On 16th December 2022 the Licensing Standards Officer wrote to Mr Waites to inform him that the last occasional licence that had been granted expired after 5th January 2023 and as there had been no further occasional applications received or granted, that all sales of alcohol must cease after 5th Jan 2023. Any sales after this time would be illegal and without a licence. This includes online sales and deliveries.

On 6th January 2023, the Licensing Standards Officer checked the website for Buck & Birch in relation to the online shop and found that all products were offered for sale, with the exception of those out of stock. Items could be added to the online basket but no test was complete to see if they could be fully purchased. Section 147 of the Licensing Scotland Act 2005 states:-

“sell”, in relation to alcohol, includes barter and expose to or offer for sale, and related expressions such as “sale” are to be construed accordingly”

Offering to sell the alcohol without a licence is a Section 1 offence –

(1)Alcohol is not to be sold on any premises except under and in accordance with—

(a)a premises licence, or

(b)an occasional licence,

granted under this Act in respect of the premises.

(3) A person who—
(a) sells alcohol, or
(b) F1... allows alcohol to be sold,
in breach of subsection (1) commits an offence.

The Licensing Standards Officer has passed this information to Police Sgt Rachel Stark.

The licensing team received 8 applications for occasional licences from a member of Mr Waites' Team on 19th December 2022.

The occasional licence applications cover a period of 15th January – 4th April 2023.

At the beginning of January 2023, the Licensing Standards Officer was made aware of concerns in relation to the delivery of a Buck & Birch product. The item a bottle of liqueur had been ordered online and requested to be ship to the buyers address. The item was subsequently delivered by Royal Mail through standard delivery where the item was left inside an open porch at the delivery address. The item was not handed to a person, nor signed for and no age verification checks were completed on delivery. The only time that the buyer was required to answer anything about their age was a pop up box on the website asking the user to verify they were of legal age to consume alcohol in their country of residence by pressing either Yes or No.

There were no markings on the package to indicate to the postal worker that the package contained alcohol, nor was it sent using an age verification service. The packaging of the item not marked as fragile and contained a glass bottle.

This concerns the Licensing Standards Officer and is in breach of board policy below:

32.3 When making a delivery that includes alcohol, certain checks should be carried out such as Challenge 25 and checking that the customer is 18 years or over. No orders that include alcohol are to be left in nominated safe places. Staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises. Licensees who use couriers to make their deliveries should ensure that they comply with the checks and standards required by the Licensing Board.

The Licensing Standards Officer wrote to Mr Waites with corrective guidance. Sgt Rachel Stark was also informed of the above. Mr Waites responded that he agreed this was not suitable and he was concerned to hear what had happened. He detailed that they are in the process of changing couriers and would be reviewing and updating the Remote Sales and Delivery Policy.

The Licensing Standards Officer is concerned that the applicant is not fully understanding his responsibilities as a licence holder and adhering to the occasional licences that have been granted.

The current delivery operation is open to abuse and also could potentially allow the delivery of alcohol to children and young persons. This is inconsistent with the licensing objective of protecting children and young persons from harm.

The Licensing Standards Officer requests that the board considers if the granting of the occasional licences would be continue to be inconsistent with the licensing objectives and if any further breaches are likely to occur. In addition it is requested that the board considers the delay in submission of a premises licence application and the reasons for this.

Applications for consideration:

8 Occasional Licence Applications from 15th January – 4th April 2023

I submit this report for the information of the board members.

K. Harling
Licensing Standards Officer

EAST LOTHIAN COUNCIL

Licensing Standards

From: K. Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 29th Sep 2022

Subject: LICENSING (SCOTLAND) ACT 2005
REPRESENTATION OCCASIONAL LICENCE APPLICATIONS –
BUCK & BIRCH LTD, UNIT 9, MERRYFIELD BUSINESS CENTRE,
MACMERRY

At the East Lothian Licensing Board hearing on 22nd August the below representation for the grant of occasional licence applications for the premises Buck and Birch was heard and considered. The result being that the occasional licences were granted until 27th October 2022 and the applicant Mr Rupert Waites was asked to apply for a provisional licence application. To date no provisional application for the premises has been received.

As such the below occasional licence applications are outstanding. It is requested that the board consider the application for grant as per the representation below where grant on delegated powers is against board policy.

Applications for consideration:

7 Occasional Licence Applications from 28th Oct – 5th Jan 2023

I submit this report for the information of the board members.

K. Harling
Licensing Standards Officer

EAST LoTHIAN COUNCIL

Licensing Standards

From: K. Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 27th July 2022

Subject: LICENSING (SCOTLAND) ACT 2005
REPRESENTATION OCCASIONAL LICENCE APPLICATIONS –
BUCK & BIRCH LTD, UNIT 9, MERRYFIELD BUSINESS CENTRE,
MACMERRY

The Licensing Standards Officer would like to make a representation under Section 21(1) of the Licensing (Scotland) Act 2005 that the Licensing Board review the applications made for occasional license made by the personal licence holder Rupert Waites for the premises Buck & Birch Ltd. I have no objection to the grant of these licenses and on visiting the premises and speaking with Mr Waites he has informed me that he will be submitting and application for a provisional premises licence once he secures and agent to act on his behalf. However, it is only right that the applications submitted and further applications be determined by the board as per the East Lothian Licensing Board Statement of Policy 2018 – 2023.

The premises has been selling alcohol under occasional licences granted since 2020 as follows:

23/11/2020 – 03/01/2021 (just over 1 month, 3 licences)

29/03/2021 – 23/05/2021 (approx. 2 months, 4 licences)

08/10/2021 – 13/01/2022 (approx. 3 months, 7 licences)

01/05/2022 - 29/07/2022 (approx. 3 months, 9 licences)

Further applications were received from 30/07/2022 – 05/01/2023. In order to allow the premises to continue to trade the Clerk authorised the grant 3 of the occasional licences until 28th August 2022.

Extract from East Lothian Licensing Board Statement of Policy 2018 – 2023

20.1 Repeated applications for Occasional Licences for the same premises and which are:

- not for specific events; and/or
- for activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months will not generally be considered suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority but will require a hearing before the Board. It is largely expected, that the premises in question should consider an application for a Premises Licence.

20.2 Section 59(6) of the Act specifies the grounds for refusal of an application for an Occasional Licence. These grounds include “that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives”. These licensing objectives include: -

- Securing public safety.
- Protecting and improving public health
- Protecting Children and Young Persons from harm

The scrutiny given to an application for a Premises Licence is not available where premises operate under a series of consecutive Occasional Licences. In the interests of securing public safety, and/or, for protecting and improving public health, the Board, considers that it is not appropriate for a premises to operate on a series of consecutive Occasional Licences, rather than apply for a Premises Licence. The Board will require an applicant to explain at a Hearing why an application for a Premises Licence is not being made unless the Clerk of the Board is satisfied that there are good reasons that prevent such an application that are not within the control of the applicant.

It is therefore requested that the board considers the 13 applications covering the period 29th August 2022 – 5th January 2023 for determination as per board policy above and not granted on delegated powers on consultation with Police and the Licensing Standards Officer alone. An example application has been provided for the board from 29th July – 7th August 2022, all subsequent applications are the same with the exception of the dates.

I submit this report for the information of the board members.

K. Harling
Licensing Standards Officer

EL1938
PC/KM 1/12

East Lothian Licensing Board

Application for a personal licence

5

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

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

1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	STEVENS
Forenames	STEPHEN
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
Post town NORTH BERWICK	Post code E... EH39 4E2
TELEPHONE NUMBERS	
Daytime	07985547884
Evening	
Mobile	
FAX NUMBER	
E-mail address (if you would prefer us to correspond with you by e-mail)	
Address for correspondence associated with this application (if different to the address above)	
Macdonald Licensing, 21a Rutland Square	
Post town Edinburgh	Post code EH1 2BB

2. Your licensing qualification		
Read note 2	Please tick	
I hold an accredited qualification	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If you have ticked yes please provide a copy of your qualification with your application.		
3. FIRST APPLICATIONS ONLY		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		

Note: You may only hold one personal licence at a time		Please tick	
Do you currently hold a personal licence?		Yes	No <input checked="" type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?		Yes	No <input checked="" type="checkbox"/>
Has any personal licence held by you been forfeited in the last 5 years?		Yes	No <input checked="" type="checkbox"/>
Licensing Board			
Licence number			
Date of issue			
Date of expiry			
Any further details			
4. RENEWAL ONLY			
This section should be completed only if you are applying for a renewal of your existing licence			
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below			
Details of current personal licence			
Licensing Board			
Licence number			
Date of issue			
Date of expiry			
Any further details			
If you cannot provide your personal licence, provide a statement explaining why			
Other personal licence			
Note: You may only hold one personal licence at a time		Please tick	
I confirm that I do not hold any other personal licences other than the one submitted for renewal		Yes	No
5. CHECKLIST			
I have		Please tick yes	
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.		<input checked="" type="checkbox"/>	
• Enclosed a copy of any licensing qualification I hold		<input checked="" type="checkbox"/>	
• Enclosed my current personal licence (renewal only)			

• Made or enclosed payment of the fee for the application	✓
---	---

6. Previous Convictions
 You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty

7. Declaration			
The contents of this application are true to the best of my knowledge and belief			
SIGNATURE – read note 5		DATE	12/11/22



I CERTIFY THIS IS A TRUE LIKENESS OF
STEPHEN STEVENS.

YVONNE DAVIDSON 30.11.2022

Highfield Qualifications

Certifies that

Stephen J Stevens

has successfully passed an assessment in

**Scottish Certificate for Personal Licence Holders at
SCQF Level 6**

Qualification number R654 04

Date of award 25 November 2022

Certificate number



Course Director



*Jason Sprenger - Chief Executive
Highfield Qualifications*



This qualification has been SCQF credit rated by SQA Accreditation.

This is an electronic version of the certificate provided by Highfield. To verify this certificate please go to <https://www.highfieldqualifications.com/checkcert>

13/12/2022

Your Ref: S.STEVENS

Our Ref: 683594

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 BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PERSONAL LICENCE
STEPHEN STEVENS, [REDACTED]**

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant has been convicted of the following relevant offences, which were not declared on the application form.

Date	Court	Crime/Offence	Disposal
[REDACTED]			



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

A summary of the incidents leading to the convictions is narrated in the attached appendix.

Due to this repeat offending and his conduct, I am of the opinion that the applicant demonstrates a blatant disregard for the law and in terms of Section 73(4) of the Licensing (Scotland) Act 2005, the Chief Constable recommends, for the purposes of the Preventing Crime and Disorder and Securing Public Safety Licensing objectives, the application be refused.

Submitted for consideration of the Board.

Yours faithfully



Catriona Paton
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.

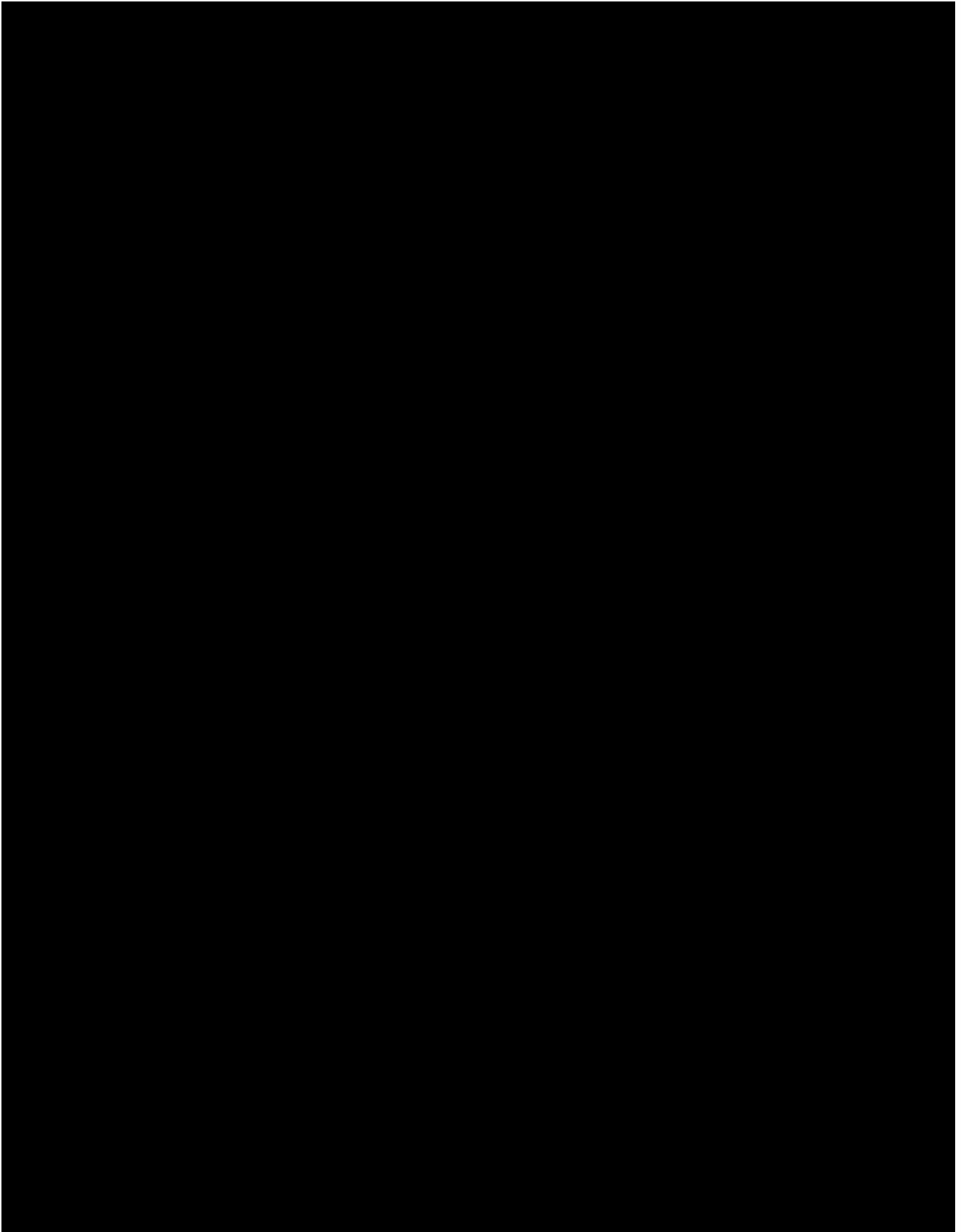
FOR INFORMATION OF LICENSING BOARD

Admonition (or "being admonished") is a punishment under Scots law when an offender has been found guilty but is neither imprisoned nor fined but receives a verbal warning and is afterwards set free; the conviction is still recorded.

RESTRICTED

APPENDIX

**UNSPENT CONVICTIONS LISTED UNDER SCHEDULE OF RELEVANT
OFFENCES AS PER REHABILITATION OF OFFENDERS ACT 1974**





**WARNING
PERSONAL DATA IN THIS DOCUMENT
IS COVERED BY THE DATA PROTECTION ACT 1998
KEEP SECURE – DO NOT DISCLOSE WITHOUT AUTHORITY**