

EAST LOTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

**To: C. Grilli
Clerk to the Licensing Board**

Date: 13th November 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

STODOLA, 109 HIGH STEET, MUSSELBURGH, EAST LOTHIAN EH21 7DA

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On 8th November 2023, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

Premises Licence Review

Stodola
109 High Street, Musselburgh, East Lothian EH21 7DA

Licensing Board November 2023

Licensing Standards Officer's Report

In 2021 MJJ Foods Ltd was granted a Premises Licence in respect of the above supermarket.

On 31st July 2023 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2023. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 9th October and 2nd November 2023, the Clerk to the Board sent additional letters of reminder to the premises address. No response was received.

On 10th October 2023, the Licensing Standards officer hand delivered an additional letter of reminder to the premises. The premises was closed, and the letter was posted through the door. The inside of the premises had been completely stripped of produce and shelving with only a fixed counter remaining and a refrigeration unit remaining (see photos a-c attached). A call was made to the premises licence holder mobile number given on the premises licence application and there was no answer.

Social media and reviews online of the premises established that the premises sometime between June and August 2023. There has been no contact from the premises licence holder in over a year.

By the time of the Licensing Board meeting, on 27th October 2023, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 2nd November 2023, the Clerk to the Board sent another letter of reminder to the premises licence holder's address. No response was received.

On 8th November 2023, the Clerk to the Board sent a letter to the licensee with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence they would require to make payment of the outstanding fee and also appear at the Licensing Board on 23rd November 2023 to explain the reason for the stated breach of licence.

By 13th November 2023, no payment had been received from the licensee.

Since 2021 the premises licence annual fee has been paid on the following dates:

06/10/2021

11/11/2022

The fee has never been paid on time by 1st October.

Licensing Board's Powers On Review

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence,

(c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

Licensing Standards Officer

Photos a-c– Stodola, 109 High Street, Musselburgh

Photo a



Photo b



Photo c



