



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

**THURSDAY 24 OCTOBER 2024
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

1

Board Members Present:

Councillor L Bruce
Councillor C Cassini
Councillor F Dugdale
Councillor G McGuire

Clerk of the Licensing Board:

Mr C Grilli

Attending:

Ms K Harling, Licensing Standards Officer
Ms C Aitken, Licensing Officer
Ms A Rafferty, Licensing Officer
Ms A O'Reilly, Licensing Officer
Ms E Barclay, Committees Assistant
PS S Miller, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor J McMillan

Declarations of Interest:

None

The clerk advised that the meeting was being held as a hybrid meeting; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the East Lothian Licensing Board was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for six months from the date of the meeting.

The clerk recorded the attendance of Board members by roll call.

1. STATEMENT OF EXTENSION OF FESTIVE HOURS 2024

The Convener read the statement of extension of festive hours. He advised that the Board had determined that it was appropriate to grant a general extension of licensed hours for the festive period, which would apply as follows to: Christmas Eve – Tuesday 24 December; Christmas Day – Wednesday 25 December; Boxing Day – Thursday 26 December; Hogmanay – Tuesday 31 December; New Year's Day – Wednesday 1 January 2025 (inclusive), and would allow an extension of the terminal hour for the sale of alcohol during that period until 2am.

This extension would apply to on-sales and not to off-sales of alcohol. There would be no general extensions outwith these days, although any applications for extended hours outwith the general extension would be considered on a case-by-case basis. It should be noted that such applications would require to be submitted no later than 2 December.

There would be no need for licensees to apply for the general extension to 2am. On sales premises could utilise these hours to the extent they considered appropriate.

2. MAJOR VARIATION

a. Mach Enterprises, Birsley Garage, Tranent

An application had been received for a major variation to: change the name and address of the premises to Tranent Service Station; amend the off-sales terminal hour from 9pm to 10pm daily; and to make proposed changes to the operating plan. There had been no objections from Police Scotland, the Planning Authority, or Environmental Health and Trading Standards. The NHS had submitted an objection on the basis of overprovision. The Licensing Standards Officer (LSO) had also submitted representation, including a recommended condition, noted below.

Lynn Simpson, the applicant's agent, spoke to the application. She advised that the application had been made following the applicant takeover of the site earlier in the year. She advised that a wider review was ongoing across the applicant's full estate to cover all activities offered, and to offer a standardised wording across premises licences. She advised that deliveries were undertaken through the Just East app, which had a built in Challenge 25 process. She also noted the lack of objections and representations, although it was later noted that the NHS had submitted an objection.

Karen Harling, LSO, reported that she had found no issues on her visit to the premises, and she welcomed the application to update the premises licence.

The representative from Police Scotland was unable to make comment due to experiencing technical difficulties, but the Convener noted Police Scotland's written submission indicating they had no adverse comment to make. The Convener also commented that he was pleased that the applicant had proactively sought the premises licence update. He noted the NHS' objection regarding overprovision, but commented that general figures had been provided and felt these would not stand up when applied to an application made by an individual premises.

The Convener proposed the LSO's recommended condition relating to deliveries, and Councillor Dugdale seconded the proposal. The Convener then moved to a roll call vote, and Board members unanimously voted in support of the major variation.

Decision

The East Lothian Licensing Board granted the major variation, subject to the following condition:

- Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119, and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

b. Glenkinchie Distillery Visitor Centre, Pencaitland

An application had been received for a major variation to: amend inclusion of activities, as noted in the LSO's report; to increase capacity by 200 for cycling and running events; and to increase off-sales to 57.446m². There had been no objections from Police Scotland, the Planning Authority, or the LSO. There had been one submitted public objection.

David Hossack, the applicant's agent, spoke to the application, and was accompanied by Jocelyn Williamson, the Designated Premises Manager (DPM). Mr Hossack provided information on the premises' licensing history and on the operation of the visitor centre. He noted that the premises' location meant that it was unlikely anyone would 'pop in' to buy alcohol, but rather purchases would be made by tourists and visitors to the distillery. He listed the various activities being added, which would provide flexibility to the premises. It was hoped that the distillery could be used as the start or finish of running and cycling races, or as a refreshment point. This would incur a short period where there would be a significant increase in visitors, and the application sought an increase in capacity for these events alone. He suggested the following wording: 'The capacity would be amended to 405 persons, with an additional 200 persons in the external area for running and cycling events.' He gave a detailed explanation as to how the off-sales capacity would be expressed, since the traditional method did not entirely fit the visitor centre, which had a mixed display. He explained that although the capacity of the various tables was counted in the total, these displays also included other items, such as clothing and whisky glasses.

Continuing, Mr Hossack reported that staff had been disappointed to receive the public objection, because engagement with the local community was at the heart of operations. He advised that residents had been invited to a drop-in event to discuss the proposals, and reported that there had been no adverse feedback in relation to the visitor centre at this time. He also noted that the letter of objection spoke about the operations of the distillery rather than the visitor centre, and he highlighted that the objection had pre-dated the community engagement event. He advised that the Senior Site Manager had written to residents, and in the letter had recognised issues regarding lighting and fallen tree branches, and had invited residents to raise any issues with them. He noted that the objection discussed only the potential for disturbance. He advised that events at the visitor centre would be infrequent, and would be well managed and community focused. He highlighted that the objector's comments about litter had not been evident around the premises. He gave reassurance that traffic marshals would be in place for large scale events. He said the applicant was committed to a collaborative approach with the community, and described the application as being congruent with licensing objectives.

The LSO complimented the applicant and agent on their good communication, and thanked them for providing her with an update on their community engagement. She had no complaints about the premises and found it to be well run. She asked that the

applicant engage with the Council's events team, who would direct them to the Safety Advisory Group process for large scale events.

Sergeant Miller advised that Police Scotland had no adverse comment to make on the application.

Councillors Dugdale and McGuire indicated that their questions had been answered within the thorough presentation, and Councillor McGuire described the Glenkinchie Distillery and Visitor Centre as being a jewel in the crown of East Lothian.

The Convener was satisfied with the method used to express the off-sales capacity. All Members also indicated that they were happy for the suggested wording relating to capacity to be included, as noted below.

The Convener then moved to a roll call vote, and the application was unanimously supported by Members.

Decision

The East Lothian Licensing Board granted the major variation.

c. Premier Store, 90 High Street, Haddington

An application had been received for a major variation to: amend the layout plan and increase the off-sales capacity from 9.32m² to 17.1m². There had been no objections from Police Scotland or the Planning Authority. The LSO had submitted representation detailing a number of issues found on visits to the premises.

Alistair Macdonald, the applicant's agent, spoke to the application, and was accompanied by his client, Zain Shah. He had previously indicated to the Clerk of the Board that he would seek a continuation of the application on behalf of his client, and later explained that this was because he thought that Board members might be more comfortable in dealing with the application after the issues raised by the LSO had been resolved. He advised that the LSO's visit to the premises had prompted the major variation application, as there had been an additional area in use for the display of alcohol. He noted that the LSO had not made adverse comments in relation to the application itself, and also highlighted that Police Scotland had no issues with the application. He reported that had discussed the best way forward to resolve the issues in store with the LSO. He referenced the various issues, which related to paperwork, the attitude of the DPM and staff, and the staff's perceived knowledge about their role under the Licensing (Scotland) Act. He explained that his request for a continuation would allow time for him to repeat the staff training, clearly explain to staff what their responsibilities were, assist in organising paperwork, and to make changes to the staff training forms. He thought that five weeks would allow him to make these changes, and for the LSO to conduct visits and produce an updated report.

The LSO advised that the confirmation of the premises licence had prompted her visit. She highlighted the improvements sought, including to paperwork for staff training, ensuring staff were trained, and that the DPM was in control and fully aware of their responsibilities. She advised that the arrangement with documentation in a basket was not acceptable, and it was the responsibility of the business to have paperwork in good order. She supported the request for a continuation to give the premises time to reach compliance, and she would undertake visits to monitor the situation over this time and produce an amended report.

Sergeant Miller echoed the LSO's comments. He was mostly concerned by staff members having given false statements when the LSO and a colleague had attended the premises.

The Convener called for an adjournment to allow Board members to discuss the request for a continuation in private.

Upon their return, the Convener said that the Board had real concerns about the content of the LSO's report, and had considered asking for a review of the premises licence because of the failure to enforce the Challenge 25 policy, because: there was alcohol found outside of the defined area; the DPM appeared not to be in control; and because the premises licence could not be produced when requested. He commented on how recently the licence had been granted, which caused additional concern. He welcomed Mr Macdonald's commitment to help address these issues. He also asked who would be managing the premises in the interim period.

Mr Macdonald responded that the current DPM would continue managing the premises; he held a personal licence and was in charge of the premises on a day-to-day basis. He reassured Board members that the DPM knew what he should be doing, but Mr Macdonald would help the DPM to understand the importance of consistency. He reported that the DPM had found the journey home wearing because he did not live nearby, and advised that a staff flat was now available in Haddington.

The Convener felt that the reports of the failure to properly enforce Challenge 25 was of greatest concern, and asked whether a guarantee could be given that this would be enforced. Mr Macdonald responded that the staff were all very aware of the Challenge 25 policy, and said the current DPM had trained the staff. He reassured Board members that when he repeated the staff training, a good deal of time would be devoted to the age verification policy and to Challenge 25. The Convener indicated that he would be happy to propose a continuation of the application on the basis of Mr Macdonald's answers.

Councillor Dugdale said she had been very concerned about the issues raised by the LSO, but felt somewhat reassured by Mr Macdonald's undertaking with regards to staff training.

Councillor McGuire, as a Local Member, had grave concerns about the failure to carry out Challenge 25 checks, and pointed out that it could not be known whether the incident witnessed by the LSO had been an isolated incident. He had been made aware of reports by local people that this corner of the high street had become a magnet for young people, which he felt raised concerns about the availability of alcohol to them. He commented that the welcome into the store ranged from an excellent reception from one staff member, to another whose demeanour was very poor; Councillor McGuire was concerned whether this staff member would be confident in challenging someone under 25 when they did not even appear to be confident in welcoming customers to the store.

Councillor Cassini agreed with her colleagues' concerns. She was only willing to allow the continuation after taking into account the LSO's suggestions and Mr Macdonald's commitment to working with the applicant to improve the situation; she hoped the applicant would take the opportunity given to them.

Councillor Dugdale seconded the Convener's proposal to continue the application. The Convener then moved to a roll call vote, and members unanimously agreed to continue the application until the November meeting of the Licensing Board.

Mr Macdonald thanked the Board for the opportunity, and indicated he had taken on board Councillor McGuire’s comments in particular.

Decision

The East Lothian Licensing Board continued the application to the November meeting of the Licensing Board to allow the applicant time to address the issues identified by the LSO.

Signed

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Councillor L Bruce
Convener of East Lothian Licensing Board

DRAFT

54066



East Lothian Council
Licensing

- 2 OCT 2024

Received

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

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)

East Lothian CO-Operative Bowling Club currently have a member's licence but we would like to

be considered to change to an open licence

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0225

2(b) Name and Address of Premises East Lothian CO-Operative Bowling Club

Blawearie Road, Tranent

Post Code EH33 2BG Tel. No. 01875 613 992

Email ELCOOPBC@AOL.COM

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

Management Committee, East Lothian CO-Operative Bowling Club

Blawearie Road, Tranent

Post Code EH33 2BG

Tel. No. 01875 613 992 Email address ELCOOPBC@AOL.COM

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

The club would like to change to an open licence. Please can you also update the address and the telephone number for the club.

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)

I have enclosed this

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.

No current change

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)

We would like to be considered to change to an open licence

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

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because -

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

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that

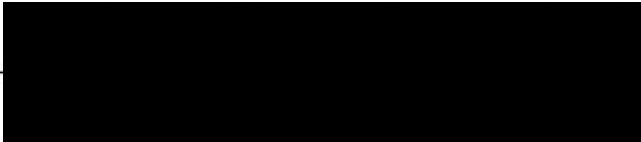
(a) the contents of this Application are true to the best of my knowledge and belief; and

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

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed

Signature  (See note 5 overleaf)

Date 24 September 24

Capacity APPLICANT / AGENT (delete as appropriate) CLUB SECRETARY

If agent, please provide details

Full name _____

Address _____

_____ Post Code _____

Tel. No. _____ Email address _____

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)

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

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

Name and Address of Premises

East Lothian CO-Operative Bowling Club

* BLAWEARIG ^{CR}

~~Ormiston~~ Road, Tranent, East Lothian

Post Code EH33 2BG

- 1(a)** Will alcohol be sold for consumption solely ON the premises? YES NO
- 1(b)** Will alcohol be sold for consumption solely OFF the premises? YES NO
- 1(c)** Will alcohol be sold for consumption both ON and OFF the premises? YES NO

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

DAY	ON CONSUMPTION	
	Opening time	Terminal Hour
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	1:00
Friday	11:00	1:00
Saturday	11:00	1:00
Sunday	11:00	23:30

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	11:00	22:00
Tuesday	11:00	22:00
Wednesday	11:00	22:00
Thursday	11:00	22:00
Friday	11:00	22:00
Saturday	11:00	22:00
Sunday	11:00	22:00

4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES NO

*If YES – provide details

We wish to take advantage of any extended hours granted by the board.
Possibly only Hogmanay when days fall outwith a Thursday, Friday or Saturday when the premises are licensed to 1am.

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

ACTIVITY	ACTIVITY PROVIDED? YES / NO	To be provided during core licenced hours. Please confirm YES / NO	Where activities are also to be provided outwith core licensed hours. Please confirm YES/NO
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5a.	Accommodation		N/A	N/A
	Conference facilities	No	No	No
	Restaurant facilities	Yes	Yes	No
	Bar meals	No	No	No

Social functions including:

5b.	Weddings, funerals, birthdays, retirements etc.	Yes	Yes	Yes
	Club or other group meetings etc.	Yes	Yes	No

Entertainment, including:

5c.	Recorded music – see 5(g)	Yes	Yes	No
	Live performances – see 5(g)	Yes	Yes	No
	Dance facilities	Yes	Yes	No
	Theatre	No	No	No
	Films	No	No	No
	Gaming	Yes	Yes	No
	Indoor/outdoor sports	Yes	Yes	Yes
	Televised sport	Yes	Yes	Yes

5d.	Outdoor drinking facilities	Yes	Yes	No
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5e.	Adult Entertainment	No	No	No
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Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

Not Applicable

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

Not Applicable

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?

YES NO

When fully occupied, are there likely to be more customers standing than seated?

YES NO

6. ON-SALES ONLY – CHILDREN AND YOUNG PERSONS

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry? YES NO

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

Functions, i.e. Christenings, weddings, birthdays etc
Youth section for bowling purposes.
Not allowed to purchase alcohol

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

0-17 - There is a baby changing station if required

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

0-15 up until 10PM
16-17 until the end unless attending a private function

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

All public parts except the lounge

7. CAPACITY OF PREMISES

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

On Sale 160

8. PREMISES MANAGER

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

Full Name Lynne King

Date of birth

Contact address

 Post Code

Tel. No. Email address

Personal licence

Date of issue 23 January 2024

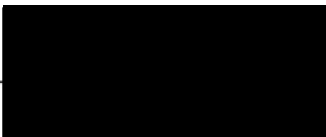
Name of Licensing Board issuing East Lothian Licensing Board

Reference no. of personal licence EL2167

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 operating plan are true to the best of my knowledge and belief

Signature Lynne Rankin  (* see note below)

Date 24th September 2024 ^{LR}

Capacity APPLICANT / AGENT (delete as appropriate) CLUB SECRETARY

Tel. No. of signatory 

Email address ELCOOPBC@AOL.COM

*** Data Protection Act 2018**

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

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 23rd October 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL0225, EAST LoTHIAN CO-OPERATIVE EMPLOYEES BOWLING CLUB, BLAWEARIE ROAD,
TRANENT, EAST LoTHIAN EH33 2BG

I can confirm that the application has been discussed with Lynn Rankin and premises have been visited in relation to this variation application. The site notice was correctly displayed.

The changes applied for are:

- To change the club premises licence to an "open" premises licence from a club premises removing the special provisions for certain clubs under section 125 Licensing (Scotland) Act 2005
- To appoint Lynne King as premises manager
- Update the address of the premises to reflect the valuation roll.

Having spoken with the committee it was established that the operation at the club were better suited to an open licence, relinquishing the provisions under section 125 of the Act. The running and operation of the club for members and on a day-to-day basis will not change and the application is to allow more frequent events and party/occasions bookings for non-members without the use of occasional licences.

I have received no complaints about the premises, and I have no adverse comment in relation to the changes requested.

Licensing Standards Officer

Licensing

From: Iain Anderson <Iain.Anderson3@scotland.police.uk>
Sent: 03 October 2024 08:33
To: Licensing
Subject: VARIATION APP - EAST LOTHIAN CO OP BOWLING CLUB - CHANGE TO OPEN LICENCE
Attachments: HERKES, GILLIAN_202410020827.PDF

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.

Hi all,
No Police objection
Our ref - 864847

Regards
Iain

Licensing

From: Anshus, Oyunn
Sent: 03 October 2024 13:05
To: Licensing
Subject: 24/00800/LICPRM - Major Variation for EL Co-op Bowling Club, Blawearie Road, Tranent

Good afternoon,
I have no objections to this variation.

Kind regards,

Oyunn Anshus
Senior Environmental Health Officer - Business Compliance
East Lothian Council, John Muir House Brewery Park, Haddington, East Lothian, EH41 3HA
M 07855 187997 | E oanshus@eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Wednesday, October 2, 2024 8:53 AM
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk)
<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer
<lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental
Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; kat.burke@nhs.scot
Subject: Major Variation for EL Co-op Bowling Club, Blawearie Road, Tranent

Good Morning

Please find attached Major Variation for East Lothian Co-op Bowling Club to change from Club premises to open licence. Can I please have your reports/representations by 24th October 2024.

Kind regards

Gillian

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



Accredited paralegal
liquor licensing

Licensing

From: Robertson, Scott
Sent: 04 October 2024 11:53
To: Licensing
Subject: RE: Major Variation for EL Co-op Bowling Club, Blawearie Road, Tranent

Hello,

Please note I have no comments or objections to the change in licence at this premises.

Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA

T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Wednesday, October 2, 2024 8:53 AM
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; torquil.cramer@firescotland.gov.uk; kat.burke@nhs.scot
Subject: Major Variation for EL Co-op Bowling Club, Blawearie Road, Tranent

Good Morning

Please find attached Major Variation for East Lothian Co-op Bowling Club to change from Club premises to open licence. Can I please have your reports/representations by 24th October 2024.

Kind regards

Gillian

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



92326

East Lothian Council
Licensing

05 SEP 2024

Received



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

2b

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)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0393

2(b) Name and Address of Premises Premier Store, 90 High Street
Haddington, East Lothian

Post Code EH41 3ET Tel. No. _____

Email _____

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

Sheree Ashleigh Shah

[REDACTED]

_____ Post Code [REDACTED]

Tel. No. [REDACTED] Email address _____

3. NATURE OF VARIATION

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

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

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

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

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

To increase the capacity to 17.1 square metres.

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.

To substitute an amended Layout Plan to reflect the increase in alcohol display.

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

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

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

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because –

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

5. FEE PAYABLE

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

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that

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

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

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Pre 

Signature _____ (See note 5 overleaf)

Date 5/9/24

Capacity APPLICANT / AGENT (delete as appropriate)

If agent, please provide details

Full name Macdonald Licensing

Address 21a Rutland Square, Edinburgh

Post Code BH1 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.

Premier Store 90 High Street Haddington East Lothian EH41 3ET

Question 1

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

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

Question 2

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

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

Question 3

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

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

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
--	-----------

**If YES – provide details*

Question 5

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

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

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

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

Recorded Music may be played from when the shop opens at 6am each day. Alcohol will not be sold or supplied until the commencement of licensed hours.

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.

Deliveries (which may include alcohol).

The shop is a newsagent/ convenience store which may open from 6am each day, particularly for the sale of newspapers.

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>
---	----------------

**Delete as appropriate*

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

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

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

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

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

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

Question 7

CAPACITY OF PREMISES

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

17.1 square metres

Question 8

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

Personal details

8(a) *Name*

Syed Sajeel Haidar

8(b) *Date of birth*

██████ - ████

8(c) *Contact address*

████████████████████

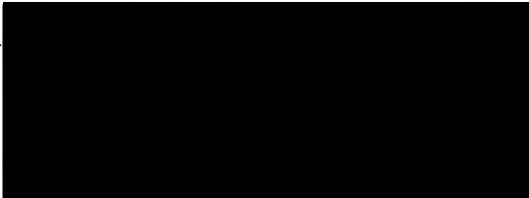
8(d) *Email address*

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
21 February 2024	Midlothian Licensing Board	MID 1637

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

The contents of  knowledge and belief.

Signature

Date 5/1/05

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 were granted a Provisional Licence before the Licensing Board in October 2023 and subsequently the Licence was finalized.

Since commencing trading, initially under Occasional Licences and now under their full Premises Licence, our clients have, following discussions with the LSO, come to the conclusion that they require additional alcohol display, hence this Major Variation.

As explained at the time of the initial Application, this was a newsagents business but the sale of newspapers has greatly reduced, as has the profit element on them, so our clients have expand the convenience store element, to which alcohol is a useful addition.

Our client is married with four children under the age of 10, so her husband will be helping out, along with, it is envisaged, one full time and one part time member of staff.

They have been looking for a business of their own for some time and feel that there is a real opportunity here.

Our client and her husband Zain Shah have enjoyed operating this business, but do not want to run into trouble with the Licensing Officers or the Police in terms of their display, hence this Application.

On/Off Consumption

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

Not applicable

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

Our client would stock a range of wines, spirits, beers, ciders etc in addition to newspapers, stationary and general groceries. May do deliveries.

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

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

Not applicable.

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:

Not applicable.

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:

Not applicable other than background music in the shop.

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:

Not applicable.

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:

As a newsagent the shop opens at 6am, and will continue to do so.

Goods and services will be available for purchase other than alcohol. No alcohol will be sold or supplied until the commencement of 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:

This is a newsagent/ convenience store which will operate between 6am and 10pm. It may do deliveries if there is a demand for this, although it is not envisaged immediately.

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.

There are of course no restrictions on under eighteens in off sales, but our client will monitor children, particularly in groups. Children and young persons will be welcomed to buy soft drinks, confectionary etc but our client will operate a strict Challenge 25 policy.

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](#)

Preventing Crime and Disorder:

Our clients appreciates that they have to be extremely strict regarding the exercise of Challenge 25. Having said that there have been no real issues with youngsters, or indeed drunk people, attempting to be served. Initially a few tried but after being refused they seemed to give up. Our clients have an experienced Manager who has a Personal Licence. Our client's husband has recently completed a Course and applied for his Personal Licence. He and the member of staff tend to be the main workers here. The Applicant only helps out occasionally. However she and her staff are firm but polite and if appropriate ID cannot be exhibited they will refuse. They have a Refusals Book, but the till also records refusals.

Securing Public Safety:

The safety of customers and staff is paramount to our client. It is envisaged that the shop will be a safe and pleasant place to visit. That is certainly our client's intention.

Preventing Public Nuisance:

As explained the only music played would be background music. There may be times when groups of children gather, for instance after school, but they would be asked to move on as quickly and quietly as possible.

Protecting and Improving Public Health:

Our client is aware of the concerns in Scotland expressed by the Government, and the Licensing Boards, of the irresponsible consumption and overconsumption of alcohol. Our client supports this and will do everything that she can in order to ensure that their shop is not considered as a source of any issues under this heading. Not just regarding alcohol but other age related products like cigarettes and vapes. The increase in display capacity is to be able to provide a wider range of beers, wines and gins for

Protecting Children and Young Persons From Harm:

Our client, her husband and the staff exercise a strict Challenge 25 policy. Our client also understands the importance of preventing agency sales as far as possible, when adults purchase for underagers. For instance repeating an order that has recently been refused. Our clients and their manager appreciate what to look out for to staff, that might indicate that that is what the order was, and if that is the case they will refuse the sale, even though it is to an adult.

Application Supporting Comments / Any Other Additional Information

Additional Information:

This is an Application to amend the original Premises Licence with an addition of alcohol display, just to reflect demand from customers for a variety, and will basically be given over to different types of beers, wines, and gins, which were on occasion spilling over into other areas. This is to eliminate that.

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

We have explained the rationale behind the Application. Whilst accepting that commercial reasons in themselves are not a justification for this Variation being granted, our client would ask the Board to support her efforts to maintain and improve this business and to continue to show that she, her husband and the staff can do so in a responsible and trustworthy way.

They would like to think that they have shown the Board already that they can operate without causing problems and if this issue can be resolved, that they will have a good working relationship with the Licensing Standards Officer going forward and there should be no further issues.

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.

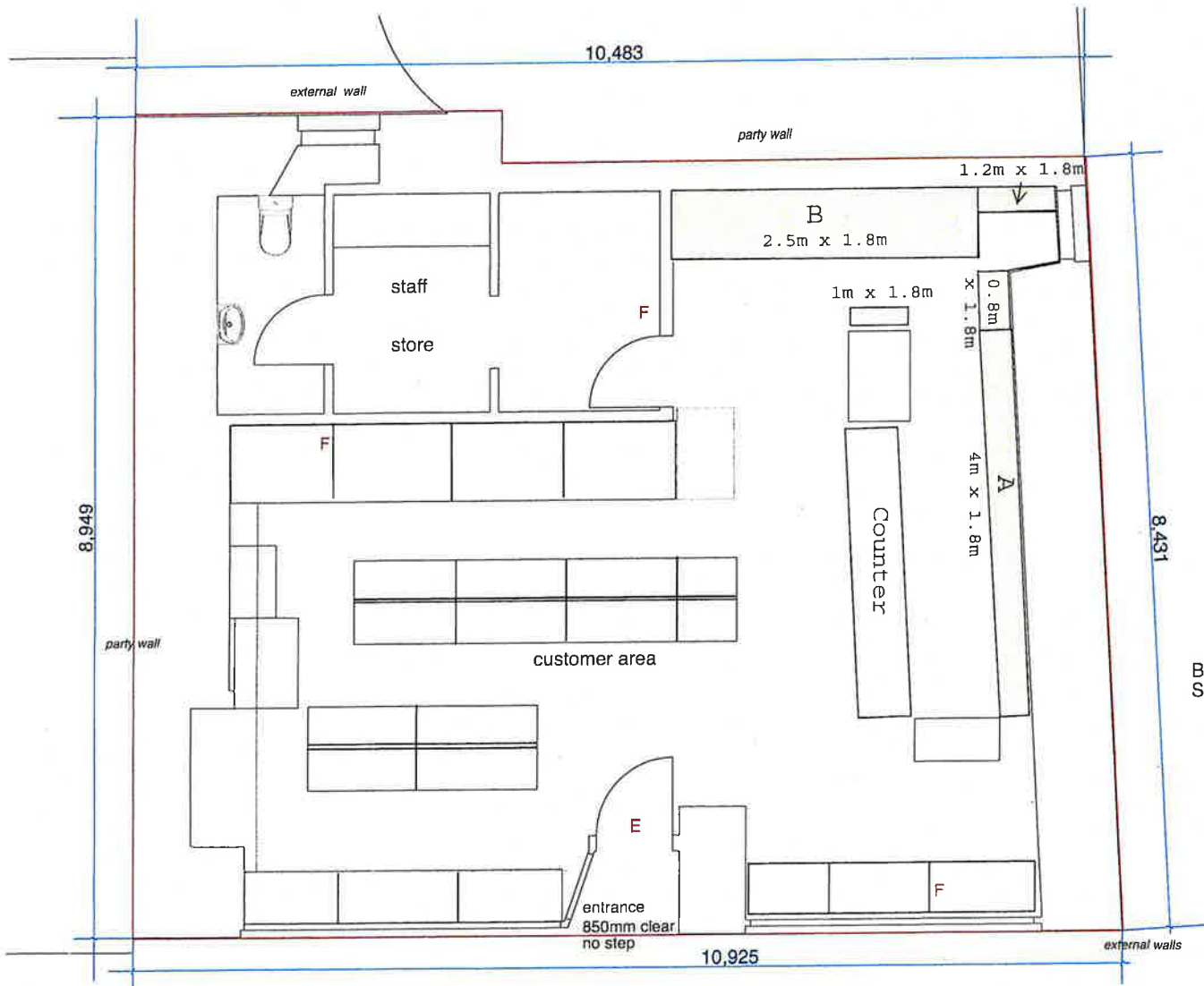
Signature



5/2/24

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181
alistair@macdonaldlicensing.com



- E** emergency exit illuminated sign
3 hours maintained to BS5266-1:2016
- F** fire extinguisher
- entire licensed premises



location plan 1:1250



ALCOHOL DISPLAY
behind counter

A 4m x 1.8m = 7.2m

customer access

B 2.5m x 1.8m = 4.5m

1.5m x 1.8m = 2.16m

0.8m x 1.8m = 1.44m

1m x 1.8m = 1.8m

TOTAL = 17.1 square metres

licenced convenience shop

**90 HIGH STREET
HADDINGTON, EH41 3ET**

licence plan

scale 1:50 September 2024

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 14th November 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL0393, PREMIER STORE, 90 HIGH STREET, HADDINGTON, EAST LoTHIAN EH41 3ET

On 24th October the Licensing Board heard a major variation application for the above premises.

The changes applied for are:

- To increase the capacity on the operating plan from 9.32m² to 17.1m²
- Amend the layout plan for the new capacity requested.

At this time information from my report dated 2nd October 2024 was presented. The Licensing Board decided to continue the application to be heard on 28th November, following a request from the applicant's agent to resolve the issues raised with staff training and requirements to produce certain documents.

On 6th November 2024, I visited the premises. The premises manager Syed Haidar was working alone in the shop. I asked for the premises licence, operating plan, and layout plan, along with his personal licence. He produced all the documents which were held in a folder. Within the folder were also training records for 6 staff and a record that additional training was completed by Alistair Macdonald on 3rd November 2024. There was also a written age verification policy, signed by 3 staff.

The shop was visibly tidier than my previous visits. It was noted that there were several alcoholic products on the shelves that did not have a price and one with a price of £0.00. Mr Haidar was instructed to remedy this within the day and to ensure that all prices were displayed and met the Minimum Unit Price (MUP) including the recent increase to 65p. He agreed he would do this and was guided that there were MUP calculators available online.

Prior to the visit, I received information that a local resident had witnessed a staff member give alcohol to an intoxicated male on "tick"/credit. No time and date were supplied. I asked Mr Haidar about this, if the practice of giving alcohol in credit had happened and if alcohol was supplied to an intoxicated male. He denied that this happened at the premises. I emphasised again the requirement not to sell alcohol to

any person who is intoxicated and to always follow the age verification policy.

On the evening of 13th November 2024, I visited the premises again. Mr Haidar was in the shop working alone. He produced the premises licence, operating plan, layout plan, staff training records, age verification policy and his own personal licence. Signage was correct and the summary of premises licence was displayed. A check was completed of the products on display for compliance with MUP, with all products priced above MUP. There were a few bottles of whisky that required a price to be displayed.

It is my intention to continue to monitor this premises with regular visits to ensure that the training and advice that was given by Alistair Macdonald is in practice and maintained.

Licensing Standards Officer

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 2nd October 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL0393, PREMIER STORE, 90 HIGH STREET, HADDINGTON, EAST LoTHIAN EH41 3ET

I can confirm that the application has been discussed with Alistair Macdonald and the premises have been visited on confirmation of the provisional premises licence and in relation to this variation application. The site notice was correctly displayed.

The changes applied for are:

- To increase the capacity on the operating plan from 9.32m² to 17.1m²
- Amend the layout plan for the new capacity requested.

On 21st June 2024, I visited the premises accompanied by the Police Licensing Officer following confirmation of the premises licence. At this time several compliance issues were identified. The staff member in the shop gave a false name and was unable to produce his personal licence. His name was eventually established as Syed Haidar and that he did have a personal licence, but he was unable to produce it. It was also established that the alcohol display was significantly larger, approximately double, than that on the layout plan with alcohol displayed outwith the marked display areas. Syed was unable to produce the premises licence, operating plan and layout plan and did not know what these documents were.

Contact was made with the premises licence holder and premises manager Sheree Shah to try to resolve the issues, however, she informed me on the phone that she had little involvement claiming her husband Zain Shah ran the shop. I spoke with Zain who was aggressive on the phone. He then came to the premises 30 mins later. I informed both him and Syed it was not appropriate for staff members to give incorrect names to a Licensing Standards Officer or police. I also explained that it was an offence to be working on a licensed premises and unable to produce your personal licence when requested. I requested to see Zain Shah's training record as I know that he regularly works at the premises and Sheree Shah informed me that he ran the premises. He did not have a training record and it was clear he had not received the mandatory 2-hour training from a personal licence holder and had been selling alcohol. He was informed

that he should not make any further sales of alcohol without receiving the 2 hours mandatory training from a personal licence holder and a training record completed. It was later established that the certified copy of the premises licence was in the process of being sent out by the premises licence holders' agent, but the premises licence holder did not express this at the time.

At this visit a Section 14 compliance notice was issued in relation to breach of mandatory condition 13 – display of alcohol, and I requested the additional alcohol was removed immediately and only displayed in the areas shown on the layout plan. I asked why there was so much alcohol on the shop floor and he said it was to get more in for the football festivities and make more money. Guidance was given that a major variation application would be required to increase the capacity of off sales and change the layout plan and to seek legal advice regarding this. Following this visit it was clear that Sheree Shah was not acting as premises manager, which I expressed to her agent. A minor variation was received to appoint Syed Haidar as premises manager.

On 28th June, I completed a follow up visit at the premises following the issues above. The premises licence, operating plan and layout plan were available, signage was now correctly displayed. There were two staff training records, one of which was for Zain Shah, however there were no dates on the training records, and I asked Syed as the trainer to complete them. The display had been changed, however, area A was still too big and guidance was given to rectify this. A minor variation to appoint Syed as premises manager had been submitted and I asked him if he was aware of the responsibilities of the role which he said he did. He had a photocopy of his personal licence on the wall however he was advised to have the original with him when working. Following this visit I sent an email to the premises licence holder Sheree Shah and her husband Zain Shah in relation to the visit, I specifically highlighted that Syed Haidar did not have his personal licence again and that a photocopy was not sufficient. There were some improvements seen on this visit, and I hoped the premises was moving forward with compliance.

On 19th September I visited the premises, in relation to the major variation application. I asked the member of staff on duty for his name and to provide his training record. He could not find his training record. I suggested that he contact Zain Shah and I spoke with him on the phone. I relayed to him that I wished to see the employees training record. Whilst he was at the till looking for his training record two young looking men came into the shop clearly under the age of 25. They had a conversation at the alcohol fridge and one of them came up to the till to buy the alcohol. The staff member was about to make the sale until I stepped in to stop this happening as no training record had been provided. I asked why he was about to put the sale through without asking for ID, at which point one of the young men immediately left the shop and the other became aggressive saying he had ID. He then left after being advised there were other ongoing issues. In my opinion it was clear that this was potentially a proxy sale and challenge 25 should have been conducted for both customers. I asked the staff member what the age verification policy was, and he just said 18 and seemed to have no knowledge of challenge 25.

He eventually found a training record, however, the name he had given me on arrival was different to the name on the training record. I asked him for photographic ID to confirm his name and it was established that the name on the training record matched his ID. I asked why he had given a different name on my arrival, and he could not explain. Following this visit I contacted the applicant's agent to express my concerns that staff appeared to require additional training and that again there were issues with producing training records, staff understanding of what is required of them and giving incorrect names to officers.

As a result of concerns raised at the previous visit, I attended at the premises again on 2nd October. Syed

Haidar was in the shop. I introduced myself and asked if he had his personal licence with him. He said he did and began searching. He located the basket that I know that the premises licence was in previously which appeared messy and unorganised compared to the previous visit. He searched for the personal licence for about 20 minutes in between serving customers. During this time another staff member that I have not seen before came into the shop. I asked his name and for a training record. It appeared he had one but again it was not dated. I asked how long he had worked at the shop, and he said a week and then he abruptly left the shop before I could ask any further questions. I advised Syed that the full 2 hours training needed to be completed and the training record fully completed with the date of the training. Syed then continued the search for his personal licence, he said he had a picture on his phone which I said was not satisfactory, I would like to see the physical personal licence. He was struggling to grasp that it was a requirement to have the personal licence and complained that there was too much to remember. I asked him if he was struggling with being premises manager and the responsibilities it placed on him, and he said he wasn't. Eventually he said that his personal licence must be in a different bag that he hadn't brought. I confirmed with Midlothian Council that a physical licence is sent to all personal licence holders.

The above issues are concerning and there appears to be continued problems complying with the Act at this premises in particular staff training, age verification and production of required documents. This is inconsistent with the licensing objectives of preventing crime and disorder and protecting children and young persons from harm. The premises licence holder and premises manager Mr Haidar have been given a significant amount of guidance and the same mistakes and non-compliance continues.

I would recommend should the board move to grant this variation to increase the capacity the following condition is considered:

- a personal licence holder must be on the premises at all times that alcohol is available for sale.

It is my intention to visit the premises again before the Licensing Board hearing and give a verbal update as to my findings at that time.

Licensing Standards Officer

08/07/2024

Your Ref:

Our Ref: 840945

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



**POLICE
SCOTLAND**

Keeping people safe

Gregg Banks
Divisional Commander
Licensing Section
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
PREMIER STORE, 90 HIGH STREET, HADDINGTON, EAST LOTHIAN.
«SHEREE ASHLEIGH SHAH»**

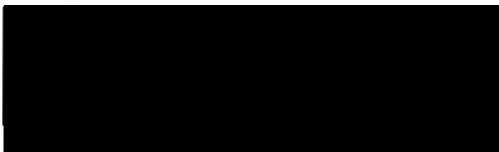
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of a variation to the layout plan to increase alcohol display area capacity to 17.1sqm, all ancillary changes.

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

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

Yours faithfully



Gregg Banks
Divisional Commander

For enquiries please contact the Licensing Department.

Licensing

From: Robertson, Scott
Sent: 10 September 2024 08:56
To: Licensing
Subject: RE: Major variation - Premier Store, 90 High Street, Haddington, EH41 3ET

Hello,

Please note I have no comments or objections to this application.

Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Friday, September 6, 2024 11:04 AM
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Kat Burke (kat.burke@nhs.scot) <kat.burke@nhs.scot>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; all@haddingtoncc.org.uk
Subject: Major variation - Premier Store, 90 High Street, Haddington, EH41 3ET

Hi all

Please find attached major variation application for the above premises. Can we please have reports/representations by 30th September 2024.

Regards
Christine

Christine Aitken | Licensing Officer | Licensing Dept. | East Lothian Council | John Muir House | Haddington | East Lothian | EH41 3HA |

Tel. 01620827664
Email. caitken@eastlothian.gov.uk

Herkes, Gillian

From: Michelle Fathi <michelle@macdonaldlicensing.com> on behalf of alistair@macdonaldlicensing.com
Sent: 06 November 2024 14:53
To: Herkes, Gillian
Subject: 57 Eskview Terrace - Extension of Provisional Premises Licence

3

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Afternoon Gillian

I refer to our recent correspondence regarding this.

Of course, there is to be a Hearing anyway on 30th November with regard to the Occasional Licences that we have applied for that go beyond the date of this months Board.

I had received fairly positive reports of Tracy's progress with Building Standards up until about a month ago, but I've had considerable difficulty obtaining updates since then, which probably means that progress has not been as quick as she had hoped. I emailed her again for an update yesterday. I'm not sure how long it would take for the Confirmation to be granted, once the Section 50 Certificate was received?

I would therefore request a Hearing for a further Extension of the Provisional Premises Licence at the Board Meeting on 30th November, under Section 45(7) of the Licensing (Scotland) Act 2005. I'll update the Board regarding progress.

Thank you

Kind regards

Alistair I Macdonald
Macdonald Licensing

Macdonald Licensing (Scotland) Limited (SC388451)
21a Rutland Square
Edinburgh
EH1 2BB

DX Edinburgh 561

Tel: 0131 229 6181
Fax: 0131 221 1282
www.macdonaldlicensing.com

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OCC749/24.

EAST LOTHIAN LICENSING BOARD

CAN 46024

APPLICATION FOR OCCASIONAL LICENCE

29th Nov - 12th Dec

Police/KSO 28/10

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.

4a

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	
Personal licence number (if applicable)	MID 0352
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname	McDonald		
Forenames	Tracy Mandy Agnes		
DATE OF BIRTH	Day	Month	Year
	[REDACTED]		
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
[REDACTED]			
Post town	[REDACTED]	Post code	[REDACTED]
TELEPHONE NUMBERS			
Daytime	[REDACTED]		
Evening	[REDACTED]		
Mobile	[REDACTED]		
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			

East Lothian Council
Licensing
25 OCT 2024
Received

3. THE PREMISES**Description of premises**

Newly refurbished/opened Takeaway, on ground floor of building on Eskview Terrace, Musselburgh

Description of activities to be carried on in the premises – (including number of persons expected to attend)

To allow customers to purchase alcohol for consumption for off the premises only, in conjunction with takeaways including deliveries. Alcohol will be supplied only with food, and our client will comply with the law on deliveries and the Board policy conditions

Previous Conditions accepted

Full postal address of premises which this application refers to

57 Eskview Terrace
Musselburgh
EH21 6LX

4. DURATION OF LICENCE – (include dates and times required for event)

From: Friday 29th November 2024

To: Thursday 12th December 2024

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**

Not Applicable

Times for sale of alcohol for consumption off premises

11am to 10pm

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

The premises may operate till 11pm but our client will comply with the law in terms of times for the off sale supply of alcohol

6. CHILDREN (see note 2)

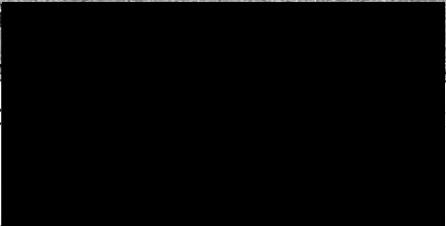
This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES/NO (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**

Parts of premises to which children or young persons permitted entry

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 declaration are true to my knowledge and belief.
SIGNATURE	DATE
	25/10/08

Macdonald Licensing
 21a Rutland Square
 Edinburgh, EH1 2BB

0131 229 6181. Alistair@macdonaldlicensing.com

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

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 1998

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 1st November 2024

Subject: LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATION(S) – OCC368-370/24

TRACY MCDONALD, 57 ESKVIEW TERRACE, MUSSELBURGH EAST LoTHIAN, EH21
6LX

The applicant is Tracy McDonald who is a personal licence holder. Application has been made for 3 occasional licences for the takeaway premises above.

The duration of the applications are:

OCC749/24 – 29th November – 12th December 2024, 11am-10pm

OCC750/24 – 13th December – 26th December 2024, 11am-10pm

OCC751/24 – 27th December 2024 – 9th January 2025, 11am-10pm

I refer the Board to Section 24.2 of the Statement of Licensing Policy:

24.2 Premises granted a provisional premises licence will only be permitted to sell alcohol when granted an occasional licence. Applications for occasional licences where there is a provisional premises licence, will be granted on delegated powers for a duration of 12 months. Following this period if the licence has not been confirmed the occasional applications will be required to be heard by the Licensing board and the applicant is expected to give an update on progress and an indication as to when the provisional premises licence will be confirmed. Should a report be received from the Licensing Standards Officer or Police at any time, the occasional licence application(s) will not be granted on delegated powers and will be required to be heard by the Licensing Board.

There is a provisional premises licence at this location that was granted on 7th July 2020. On 23rd May 2024 an extension of this provisional premises licence was requested and granted until 30th November 2024 when the provisional premises licence will expire. The applications for the above occasional licences cover a time period after the expiry of the provisional premises licence.

In line with board policy above, I refer the applications to the Licensing Board for determination due to the expiry of the provisional premises licence.

Licensing Standards Officer

Licensing

From: Natasha Gregory <Natasha.Gregory@scotland.police.uk>
Sent: 28 October 2024 15:03
To: Licensing
Subject: REF 749
Attachments: OCC749.24 APP.PDF

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.

NPO

OCC 730/24



ON 40172

Gunnerton

26th April 2025 ~~2025~~

LICENSING (SCOTLAND) ACT 2005, SECTION 142

OCCASIONAL LICENCE APPLICATION FORM

Area 150
Area 25/10

Before completing this form please read the guidance notes.

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.

4b

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) AN/1526

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate):

~~Mr~~ / ~~Mrs~~ / Miss / ~~Mx~~ / ~~Other~~ (please state) _____

Surname Proctor

Forenames Louise

Date of birth (Day / Month / Year)

2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

██████████

Post town ██████████ Post code ████████

Telephone Numbers

Daytime Tel. ██████████ Evening Tel. ██████████

Mobile No. ██████████

Fax No. _____ Email louise@theedinburghcateringcompany.co.uk

3. THE PREMISES

Description of premises

Wedding Venue

Description of activities to be carried on in the premises – (including number of persons expected to attend)

Wedding, max attendees 80pax

Full postal address of premises which this application refers to _____

Bunnet House
~~Dunglass Estate, Dunglass, Cockburnspath, TD13 5XE~~

4. DURATION OF LICENCE

Date: From Saturday 26th April 2025 To Saturday 26th April 2025

Time: From 1300hrs To 0000hrs

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.

Times for sale of alcohol for consumption on premises

1300hrs - 0000hrs

Times for sale of alcohol for consumption off premises

N/A

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

N/A

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 NO

(If answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry 0-17yrs

Times at which children or young persons permitted entry 1300hrs - 0000hrs

Parts of premises to which children or young persons permitted entry

The bar area is in the dining room which means children will be permitted into the bar area, they will require to be accompanied by an adult at all times.

7. CHECKLIST

I have (please tick for yes) made or enclosed
payment of the fee for the application

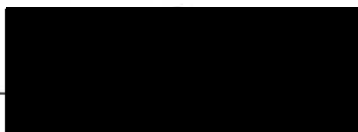
YES

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.

Signature



Date 21/10/2024

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

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 2018

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

**PLEASE SUBMIT THIS SHEET WITH YOUR
OCCASIONAL LICENCE APPLICATION FORM**

SUPPLEMENTARY INFORMATION

1. Event

(a) Please detail the type of event (e.g. birthday party, anniversary, ceilidh, etc.)

Wedding

(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)

N/A

2. Attendance

(a) Approximately how many people are expected to attend?

80pax

(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)

Provided by couple

(c) In the main, what age group will form the majority of those attending?
Please tick one box

Under 18

18 – 30

30 – 50

over 50

2. (cont)

- (d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)

Private Invitation

3. Stewarding

Please note it is an offence under the Private Security Industry Act 2001 to employ unlicensed door stewards.

Unpaid volunteers performing this function are not covered by the Act. More information can be found at Security Industry Authority.

- (a) Please state the number, if any, of stewards to be employed at the event.

N/A

- (b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.

N/A

4. Layout Plans

Please indicate if –

- (a) there is a plan attached to a Public Entertainment Licence issued for the premises; or
- (b) the premises relate to a members club which has been issued with a premises licence; or
- (c) if neither of the above, please attach a detailed layout plan of the venue with the application

Layout of venue attached in email

5. Applications Lodged by Voluntary Organisations or Members Clubs Only

Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December

N/A

6. Will alternatives to glass receptacles be provided?

N/A

7. To what standard will those serving alcohol be trained?

Please provide details of any training certificate held.

Bartenders have undergone the mandatory two hour training

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 objectives.

8. How will you prevent Crime and Disorder at the event?

Crime and disorder will be prevented by a zero tolerance policy to anti-social behaviour, following all of the licence conditions. The appropriate authorities will be called if an incident arises that requires them.

9. How will you secure Public Safety at the event?

Public safety will be secured by no overcrowding or queuing, the venue will carry out the appropriate fire safety checks and there will be a first aid trained member of staff onsite.

10. How will you prevent Public Nuisance at the event?

Public nuisance will be prevented by working with the venue to ensure guests remain inside the venue after the drinks reception until leaving the venue.

11. How will you promote and protect Public Health at the event?

TECC commit to providing safe events and promote responsible drinking at all times - the bride & groom have been made aware of this and have been asked to make their guests aware of this also.

12. How will you protect Children from harm at the event?

All children and young persons must be accompanied by an adult at all times.

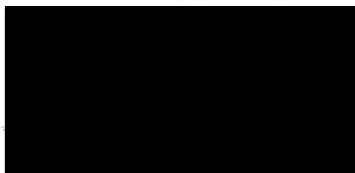
SIGNATURE AND DECLARATION BY APPLICANT

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



Date 21/10/2024

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 8th November 2024

Subject: LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATION(S) – OCC730/24, OCC774/24,

LOUISE PROCTOR FOR GILMERTON HOUSE, ATHELSTANEFORD, NORTH BERWICK, EAST LoTHIAN, EH39 5LQ

The applicant is Louise Proctor who is a personal licence holder. Application has been made for 2 occasional licences for a weddings at Gilmerton House as follows:

OCC730/24 – Saturday 26th April 2025 1300-0000 hours

OCC774/24 – Saturday 24th May 2025, 1300-0000 hours

Gilmerton House is advertised as a luxurious and exclusive-use estate welcoming guests for private stays, golfing retreats, corporate events, and weddings throughout the year. The premises has been operating on occasional licences submitted by outside caterers/personal licence holders. The venue appears to have been in operation since 2013 using occasional licences. The following number of occasional licence applications have been submitted and granted:

2013 – 4	2018 – 6	2023 – 1
2014 – 4	2019 – 8	2024 - 17
2015 – 10	2020 - 0	
2016 – 10	2021 – 7	
2017 – 9	2022 – 1	

There has been a significant increase in the number of applications and the venue was used on a near weekly basis, hosting weddings on weekdays and weekends from March to October in 2024. The most recent applications have been for dates in April onwards in 2025.

The factor Colin Carter Campbell at Gilmerton Estate appeared at the Licensing Board hearing on 26th September 2024 and updated the Board about the premises and the intentions for the premises. Following the hearing I emailed guidance to him in relation to provisional and premises licence applications. The occasional licence applications that were granted at this hearing were subsequently withdrawn by the applicant as she was leaving the catering company. The occasional licence applications referred to in this report are for different dates to the ones previously granted by the board.

I refer the Board to section 23.1 and 23.2 of the Statement of Licensing Policy:

23.1 - 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. This includes where there are different applicants for the same premises, but the activities are similar e.g. weddings, corporate events. It is largely expected that the premises in question should consider an application for a Premises Licence.

23.2 - 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.

Where an application is to allow premises to trade on a regular basis prior to a Premises Licence application having been determined, the application will be referred to the Board for consideration in the first instance.

I understand that the applicant is as a hired caterer however as the policy details - "This includes where there are different applicants for the same premises, but the activities are similar e.g. weddings, corporate events.". The applicant has been in communication with Colin Carter Campbell.

In accordance with board policy above, I refer the application to the Licensing Board for determination.

Licensing Standards Officer

Licensing

From: Iain Anderson <Iain.Anderson3@scotland.police.uk>
Sent: 22 October 2024 11:58
To: Licensing
Subject: OCC730.24 - O/L APP - GILMERTON HOUSE - FROM 1300 TO 0000 ON 27/04/2025
Attachments: OCC730.24 - OCCASIONAL LICENCE- GILMERTON 26TH APRIL 2025
_cpchecked.PDF.pdf

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Hi all,
No Police objection
Our ref - 870119

Regards
Iain

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Please exercise discretion when requesting to release suspicious attachments.

EAST LoTHIAN COUNCIL

5a

Licensing Standards

From: Licensing Standards Officer

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

Date: 8th November 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

EL022, THE STAND, 72-74 HIGH STREET, MUSSELBURGH, EAST LoTHIAN EH21 7BX

On 4th November 2024, I received intimation under 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 for nonpayment of the annual fee.

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 and consideration of Section 28 Licensing (Scotland) Act 2005

The Stand
72-74 High Street, Musselburgh, East Lothian EH21 7BX

Licensing Board 28th November 2024

Licensing Standards Officer's Report

In Aug 2014, the Premises Licence in respect of the above was transferred to Rakhsana Khan.

The premises manager named on the licence at that time was Christopher Townsley.

On 1st August 2024, 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 2024. 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 methods were included in this letter.

On 8th October 2024, the Clerk to the Board sent additional reminder letters to the premises address. No response was received.

On 30th October 2024, the fee had not been paid. I visited the premises which was closed and disused. A further reminder for payment from the Clerk to the Board was sent by post to the premises licence holder's personal address.

The letter gave a further reminder that the mandatory annual fee had not been paid. As this was a breach of a condition of their Premises Licence, payment of the outstanding fee was required by 1st November 2024, and the premises licence holder may be required to appear at the Licensing Board on 28th November 2024, to explain the reason for the stated breach of premises licence.

On 4th November 2024, the Board resolved to review all premises licences that had failed to pay the annual fee under Section 37(1) of the Licensing (Scotland) Act 2005. I received intimation of this proposal and produced this report.

In addition, I made some enquiries into this premises and believe that this premises should be considered under section 28(b) – period of effect of premises licence in particular, section 28(5)(b) - the licensed premises in respect of which the licence was issued cease to be used for the sale of alcohol.

The premises known as The Stand closed and has not traded since 2014. There are historic LSO reports to indicate that some building work has been undertaken, however, this has been sporadic. In 2017 a planning application was submitted to change the premises into a restaurant, however this change has not come to fruition.

On visiting the premises, I found it to be a bare shell requiring substantial works. It has sat empty and has not been used for the sale of alcohol for 10 years.

I direct the board to section 36.1 of the statement of licensing policy.

Premises that cease trading in the sale or supply of alcohol must notify the Licensing Board of the reason for closure and the timescale for re-opening. The Board may decide to hold a hearing to determine whether in the circumstances the premises licence has ceased to have effect. If premises have been closed or ceased the sale of alcohol for a period of 18 months or more the Board will consider that the premises licence has ceased to have effect. In making a determination on this matter, the Board may hold a hearing and will consider any representations made by the licence holder as to the circumstances in which the premises closed and the likelihood of them reopening for trade.

The current premises licence has not been varied in any way since 2014 and details a pub. There has been no communication from Rakhsana Khan for a number of years. I attempted to contact her last year through her husband Mr Khan who did not return my calls. I have since spoken to Mr Khan about the premises, but he was unable to detail any plans or development of the premises on the phone. He simply said there is work to be done. I have been unable to speak with the premises licence holder Rakhsana Khan.

On 4th November I received a phone call from Mr Khan, the premises licence holder's husband and explained the situation that the failure to pay the annual fee and that the lack of use and development of the premises was inconsistent with the premises retaining a premises licence. He said he would pay, and I gave him details on how to do this. I reminded him that the annual fee is due every year by 1st October and late payment was not acceptable. I informed him that late payment has resulted in follow up by Licensing Officers and visits by the Licensing Standards Officers and this has occurred every year since 2014. I explained the Licensing Board may review the premises licence and that Mrs Khan would be requested to attend the Licensing Board hearing. I also explained that I would present the circumstances that the premises has cease to be used for the sale of alcohol since 2014 for the board to consider under the Act. I asked that he pass this on to his wife Rakhsana Khan.

On 5th November 2024, payment of the premises licence annual fee was received. This was 35 days late.

Since 2014 the premises licence annual fee has been paid after 1st October (late) on the following dates:

03/10/2014
07/10/2015
08/10/2016
03/10/2017
31/10/2018
11/10/2019
06/10/2020
06/10/2021
12/10/2022
07/11/2023
05/11/2024

Each year the payment of the annual fee has been chased by Licensing Officers and the Licensing Standards Officer.

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.

28 Period of effect of premises licence

(1) A premises licence—

(a) takes effect on such date as the Licensing Board issuing it may determine, and

(b) ceases to have effect on the occurrence of any of the events mentioned in subsection (5).

(5) The events referred to in subsection (1)(b) are—

(b) the licensed premises in respect of which the licence was issued cease to be used for the sale of alcohol,

It is quite clear, that in all the circumstances the premises have ceased to be used for the sale of alcohol since 2014 and I would recommend that East Lothian Licensing Board note the content of this report and confirms by declaration that premises licence No. EL022 – The Stand, now ceases to have effect, and that they notify the premises licence holder accordingly.

In this case there would be no premises licence to review.

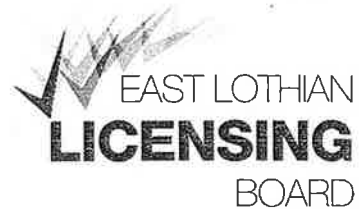
Licensing Standards Officer

Our Reference: CG/GH

Date: 12th November 2024

Private & Confidential

Rakhsana Khan



Carlo Grilli
CLERK OF THE LICENSING BOARD

Dear Sir/Madam

John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

**LICENSING (SCOTLAND) ACT 2005 – SECTION 37(1)
NOTIFICATION OF PREMISE REVIEW HEARING**

RAKHSANA KHAN, EL022, THE STAND, 72-74 HIGH STREET, MUSSELBURGH, EH21 7BX

The Licensing Board, has resolved to hold a review hearing, in terms of Section 37(1) of the Licensing (Scotland) Act 2005, on the grounds one or more of the conditions to which the premises licence is subject to has been breached. The condition detailed in Mandatory Condition 10 – Payment of annual fees. In addition following a report from the Licensing Standards Officer the board will consider the premises licence in term of Section 28 of the Act.

The Review Hearing will be heard at the next meeting of the Licensing Board to be in the Council Chambers, Town House, High Street, Haddington or by Hybrid System at 10.00am on **Thursday 28th November, 2024.**

You are entitled to attend the Hearing and the Board members may, but are not obliged to, invite you to give your views in respect of this matter. If you wish someone else to represent you at the Hearing, you will be required to provide a written mandate confirming that they are instructed to do so. You can provide that mandate to this office in advance of the Hearing.

The Licensing Board has asked the Licensing Standards Officer to prepare a report into this matter for their consideration at the Hearing.

A copy of the report is included with this letter. Details of the Board hearing and agenda will be sent to you in due course.

Yours sincerely

Carlo Grilli
Clerk to the Licensing Board

Direct Dial : 01620 827664
E-mail : licensing@eastlothian.gov.uk

eastlothian.gov.uk

Our Reference: CG/gh/EN/L/P

Date: 30th October 2024



The Stand
72-74 High Street
Musselburgh
EH21 7BX

Carlo Grilli
CLERK OF THE LICENSING BOARD

Dear Sir/Madam

John Muir House
Haddington
East Lothian
EH41 3HA

FINAL REMINDER

LICENSING (SCOTLAND) ACT 2005 – ANNUAL FEE NOW OVERDUE licensing@eastlothian.gov.uk

I refer to your Premises Licence for the above premises and letters/emails sent 1st August and 9th October advising that the Annual Fee in respect of this licence was due on 1st October 2024.

As you do not appear to have made payment of the Annual Fee you are now in breach of one of the Mandatory Conditions attached to your Premises Licence.

The Licensing Board has resolved to hold a review hearing in respect of this matter, in terms of Section 36(3)(a) of the Licensing (Scotland) Act 2005, namely that one of the conditions to which the premises licence is subject has been breached. You should attend at the Review Hearing which will be held at the next meeting of the Licensing Board in the Council Chambers, Town House, 56 High Street, Haddington at 10.00am on **Thursday 28th November 2024**. An agenda will be sent to you in due course.

Please note that the Licensing Board has the power to suspend or permanently revoke your licence if it finds that there are grounds to do so.

Should you pay the outstanding sum by 1st November 2024 in advance of the Review Hearing, it will not be necessary to attend the Board meeting. I would remind you that your Annual Fee for 2024 is **£280.00**.

Yours faithfully

Carlo Grilli
Depute Clerk to the Licensing Board

E-mail : licensing@eastlothian.gov.uk

eastlothian.gov.uk

EAST LoTHIAN COUNCIL

5b

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 8th November 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

EL0199, SHISH MAHAL, 63A HIGH STREET, MUSSELBURGH, EAST LoTHIAN EH21 7BZ

On 4th November 2024, I received intimation under 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 for nonpayment of the annual fee.

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

Shish Mahal
63A High Street, Musselburgh, East Lothian EH21 7BZ

Licensing Board 28th November 2024

Licensing Standards Officer's Report

In 2009 Idris Khan was granted a Premises Licence in respect of the above on conversion from the 1976 Act.

The premises manager named on the licence is Inam Khan.

On 1st August 2024, 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 2024. 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 methods were included in this letter.

On 8th October 2024, the Clerk to the Board sent additional reminder letters to the premises address. No response was received.

By 30th October 2024, payment of the mandatory annual fee had still not been made. I hand delivered a further reminder for payment from the Clerk to the Board to the premises address and posted it through the door. The premises was not open at this time.

The letter gave a further reminder that the mandatory annual fee had not been paid. As this was a breach of a condition of their Premises Licence, payment of the outstanding fee was required by 1st November 2024, and the premises licence holder may be required to appear at the Licensing Board on 28th November 2024, to explain the reason for the stated breach of premises licence.

On 4th November 2024, the Board resolved to review all premises licences that had failed to pay the annual fee under Section 37(1) of the Licensing (Scotland) Act 2005. I received intimation of this proposal and produced this report.

On 4th November I received a phone call from Mr Khan, premises licence holder and explained the situation and the requirement to pay the fee. He said he would pay, and I gave him details on how to do this. I reminded him that the annual fee is due every year by 1st October and late payment was not acceptable. I informed him that late payment has resulted in follow up by Licensing Officers and visits by the Licensing Standards Officers and this has occurred every year since 2012. I explained the Licensing Board may review the premises licence and that he would be requested to attend the Licensing Board hearing.

On 5th November 2024, payment of the premises licence annual fee was received. This was 35 days late.

Since 2012 the premises licence annual fee has been paid after 1st October (late) on the following dates:

09/10/2012
24/10/2013
03/10/2014
07/10/2015
07/10/2016
03/10/2017
03/10/2018
11/10/2019
06/10/2020
06/10/2021
10/10/2022
27/10/2023
05/11/2024

Each year the payment of the annual fee has been chased by Licensing Officers and the Licensing Standards Officer.

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

Our Reference: CG/GH

Date: 14th November 2024

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Idris Khan



Carlo Grilli
CLERK OF THE LICENSING BOARD

John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 37(1)
NOTIFICATION OF PREMISE REVIEW HEARING
IDRIS KHAN, EL0199, SHISH MAHAL, 63A HIGH STREET, MUSSELBURGH, EH21 7BZ**

The Licensing Board, has resolved to hold a review hearing, in terms of Section 37(1) of the Licensing (Scotland) Act 2005, on the grounds one or more of the conditions to which the premises licence is subject to has been breached. The condition detailed in Mandatory Condition 10 – Payment of annual fees.

The Review Hearing will be heard at the next meeting of the Licensing Board to be in the Council Chambers, Town House, High Street, Haddington or by Hybrid System at 10.00am on **Thursday 28th November, 2024.**

You are entitled to attend the Hearing and the Board members may, but are not obliged to, invite you to give your views in respect of this matter. If you wish someone else to represent you at the Hearing, you will be required to provide a written mandate confirming that they are instructed to do so. You can provide that mandate to this office in advance of the Hearing.

The Licensing Board has asked the Licensing Standards Officer to prepare a report into this matter for their consideration at the Hearing.

A copy of the report is included with this letter. Details of the Board hearing and agenda will be sent to you in due course.

Yours sincerely

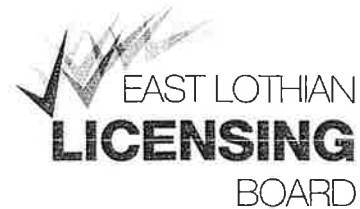
Carlo Grilli
Clerk to the Licensing Board

Direct Dial : 01620 827664
E-mail : licensing@eastlothian.gov.uk

eastlothian.gov.uk

Our Reference: CG/gh/EN/L/P

Date: 30th October 2024



Shish Mahal Tandoori Ltd
63a High Street
Musselburgh
EH21 7BZ

Carlo Grilli
CLERK OF THE LICENSING BOARD

Dear Sir/Madam

John Muir House
Haddington
East Lothian
EH41 3HA

FINAL REMINDER

LICENSING (SCOTLAND) ACT 2005 – ANNUAL FEE NOW OVERDUE licensing@eastlothian.gov.uk

I refer to your Premises Licence for the above premises and letters/emails sent 1st August and 9th October advising that the Annual Fee in respect of this licence was due on 1st October 2024.

As you do not appear to have made payment of the Annual Fee you are now in breach of one of the Mandatory Conditions attached to your Premises Licence.

The Licensing Board has resolved to hold a review hearing in respect of this matter, in terms of Section 36(3)(a) of the Licensing (Scotland) Act 2005, namely that one of the conditions to which the premises licence is subject has been breached. You should attend at the Review Hearing which will be held at the next meeting of the Licensing Board in the Council Chambers, Town House, 56 High Street, Haddington at 10.00am on **Thursday 28th November 2024**. An agenda will be sent to you in due course.

Please note that the Licensing Board has the power to suspend or permanently revoke your licence if it finds that there are grounds to do so.

Should you pay the outstanding sum by 1st November 2024 in advance of the Review Hearing, it will not be necessary to attend the Board meeting. I would remind you that your Annual Fee for 2024 is **£280.00**.

Yours faithfully

Carlo Grilli
Depute Clerk to the Licensing Board

E-mail : licensing@eastlothian.gov.uk

eastlothian.gov.uk

East Lothian Licensing Report 2023-2024



6



**POLICE
SCOTLAND**
Keeping people safe

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Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2023/24, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

Police Scotland has continued to achieve success by focussing on prevention, early intervention and enforcement. This has been made far more effective with the continued support of the many active partnerships that exist within the 32 Local Authorities across Scotland.

This collaborative working is vital to ensuring a fair and consistent approach to licensing while focussing on preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure efficient and effective service delivery. I will continue to encourage officers and staff to utilise the range of options available to improve licensing standards, reduce violence and to positively influence behaviour and attitudes across Scotland.

I would like to take this opportunity to thank our local partnerships and acknowledge their contribution in continuing to drive improvements with the Licensed Trade, and for the communities we all serve.

Jo Farrell

Chief Constable

Police Service of Scotland

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Police Scotland Licensing Overview –

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships Prevention & Community Wellbeing based at Dalmarnock Police Station, Glasgow.

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

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

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

During 2023/2024, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management. Police Scotland are currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

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

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LICENSING BOARD AREA

The Licensing Board area is policed by Lothians & Scottish Borders (J) Division.

Chief Superintendent Catriona Paton is Divisional Police Commander who has the responsibility for all day-to-day policing functions within J Division. The Local Area Commander, Chief Inspector Ben Leathes, is based at Musselburgh. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Leathes is supported by Inspector Alan King, who is based at Haddington. The East Lothian Licensing Boards are predominantly attended by PC Lee Wilson.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector Colin Notman and Sergeant Stuart Miller.

The local liquor Licensing officer, PC Lee Wilson is based at Dalkeith Police Station. PC Lee Wilson is supported by administration staff Natasha Gregory and Craig Beveridge based at Dalkeith Police Station and West Lothian Civic Centre.

Local Policing Priorities

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

- Protecting the most Vulnerable People
- Reducing Violence & Antisocial Behavior
- Reducing Acquisitive Crime
- Improving Road Safety
- Tackling Serious and Organised Crime

In response to the local policing priorities, J divisions will continue to work in partnership with partner agencies to reduce alcohol related criminality and continue to

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develop night time economy plans with licensed premises. It is recognised that education, prevention, partnership working and robust policing are all key factors in reducing crime and disorder in this area.

Description of Board Area

There are currently:

- 52 'on sales' only premises,
- 86 'off sales' only premises, and
- 145 combined 'on/off sales' premises

Giving a total of 283 premises in East Lothian licensed to sell alcohol.

This is a decrease of 2 premises on the previous reporting period.

In addition there were 12 provisional licences that were outstanding and not confirmed in the recording period.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

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

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

In East Lothian, there were 303 recorded incidents in licensed premises between 1st April 2023 and 31st March 2024, this figure shows an increase from 145 incident in the previous year.

There were 135 inspections of licensed premises during the same period, an increase from 99 in the previous year.

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On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0200.

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

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour occurring on our streets and within our homes. In addition, alcohol is also known to lower inhibitions which can have an impact on people's lives.

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

The intervention Process

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

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

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

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

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

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

Section 1 – Unlicensed Sale of Alcohol

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence.

During this reporting period the council LSO brought several incidents to the attention of police.

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Police licensing officers have adopted the 4'E's (Engage, Explain, Encourage, Enforce) in dealing with such reports and will avoid criminalising members of the public where the matter is deemed to be of a low level nature and/or there has been no criminal intent, unless the circumstances are deemed to warrant it.

One report to police was recorded as a crime and the offender was issued a Recorded Police Warning for the offence of Forgery and Uttering.

In another case, immigration issues were identified whilst investigation breaches of the premises licence. As a result one male was detained by Border Force officers.

Section 36 – Application for Review of Licence

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

In this reporting year there were 2 review applications of this type submitted by this East Lothian Council. Both premises licences were revoked.

Section 63 – Sale or Supply out with licensed hours

Officers in East Lothian monitor the sale or supply of alcohol out with licensed hours closely. Local officers continue to make pro-active visits to licensed premises, particularly at weekends, to ensure premises are being managed appropriately. The police Innkeeper IT solution can be accessed by police control staff and officers alike, twenty four seven, providing any information on licensed hours etc. that are required, out with normal office hours of the Licensing Department. Close monitoring of premises through the use of Innkeeper, tasking's, and nighttime economy dispersal details continue to assist in reducing offending of this nature. In this reporting year, there has been no licence holders reported for this type of offence.

Section 72 – Personal Licence Applications

There were 223 applications made for the grant or renewal of personal licences during this reporting year in East Lothian. This is an increase from the previous year from 158 applications.

The amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 permitting the Chief Constable to request refusal for the purposes of ‘any’ Licensing Objective has widened the scope for making appropriate representations to the Board. During this reporting year there has been no representation of this type made to the Licensing Board.

Section 84 (84A) – Personal Licence Reviews

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

There was one Personal Licence Review requested by Police Scotland following a licence holder being found guilty of a relevant criminal offence. That person subsequently failed to engage with police or the Board and his licence was revoked.

Another Personal Licence Review was also requested by East Lothian Council in respect of person working within an off-sales premises. This was part of a series of issues identified at the premises. It was the opinion of the board that this person was not a fit and proper person to hold a personal licence and it was duly revoked.

Section 94 – Exclusion Orders

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises, a request for an Exclusion Order is included in the

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'remarks' section of the police report. Exclusion Orders are granted by the Courts, 'on conviction', and can exclude a person from specific licensed premises for between three months and up to two years. The Police Licensing Officer proactively drives the request for exclusion orders whenever there is an incident in or in the immediate vicinity of licensed premises. Persistent offenders can also be dealt with under the Anti-Social Behaviour legislation. The use of Exclusion Orders are fully supported by the licensed operators in East Lothian. There were no exclusion orders during the dates reported.

Section 97 – Closure Orders

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

Violence and ASB Data

A total of 1159 crimes of violence* were recorded within East Lothian for the period from 1st April 2023 to 31st March 2024. This represents an increase of 26 crimes (2.3%) from the 2022-23 levels of violence. The violence recorded in 2023-24 included one murder (the only murder recorded in the Lothians and Scottish Borders Division this year), two attempted murders, 46 serious assaults, 23 robberies and 967 common assaults which includes 73 assaults against emergency workers and 33 assaults against retail workers. This represents an increase in crimes of murder, serious assault, robbery, and common assaults of emergency workers and retail workers from the previous year. It should also be noted that there were two recorded crimes of drugging during 2023-24, both of which were alcohol-related and one of which took place in a public place at a music festival. A total of 40 crimes of violence were recorded for licensed premises within East Lothian during 2023-24 compared to 23

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reports in 2021-22. These were mostly in the areas of Dunbar (7 crimes), Musselburgh (12 crimes), and Wallyford (5 crimes) as well as Tranent (4 crimes), Macmerry (3 crimes), and North Berwick (3 crimes). It was also noted that 27 crimes were committed within supermarkets licensed to sell alcohol with six such crimes being “alcohol” related.

*Violence for the purposes of this reports includes crimes in Group 1 Crimes of Violence as well as the Group 6 crimes of common assault (including those against emergency workers and retail workers).

Violence Data Where Alcohol Is A Factor

Crimes with an “alcohol” tag applied can give an indication of offences where alcohol is a factor. It should be noted however that it is not compulsory to add tags to crime reports and therefore the statistics provided here in relation to alcohol related violence provide an indication only, and do not specify the nature of the link to alcohol. Of the 1159 recorded crimes of violence for the 2023-24 period, a total of 177 (15.3%) had the alcohol marker attached to the crime report. This is a reduction in volume from the 195 recorded in 2022-23. Common assaults continue to account for the main volume of alcohol-related violence (70.6%), however this is a reduction in volume from the previous two years. The only type of violent crime to record an increase in terms of alcohol being a factor is common assaults of a retail worker, increasing from two in 2022-23 to six in 2023-24. Alcohol was also deemed a relevant factor in the murder that was recorded in 2023-24.

Antisocial Behaviour

A total of 4995 incidents relating to ASB have been recorded during 2023-24 within the East Lothian area. This represents an increase of 183 incidents (3.8%) recorded in the 2022-23 period but a reduction from the 5840 recorded in 2021-22.

PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons and working

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with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

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

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

During this reporting period 2 adults were reported to the Procurator Fiscal for buying alcohol for children.

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

TACKLING SERIOUS AND ORGANISED CRIME

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

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

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

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

All opportunity is taken to disrupt the running of these licensed premises with the assistance of the National Intervention Unit. Multi-Agency Proactive visits are conducted with key partners in an effort to put the pressure on these operators, in an effort to disrupt their activity and cease from trading.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

- **East Lothian Community Action Team**

East Lothian have an ELCAT made up of 2 sergeant and 8 PC's.

All funding by East Lothian Council was removed but the team was maintained by Police Scotland. The team are directed solely by the Local Area Command And cover a wide variety of police work including -

Youth Engagement: actively engage with youths and foster a positive image of the police and their local communities. Act as primary first responders to youth calls, disrupt antisocial behaviour and enforce appropriate legislation firmly but fairly. Maximise alcohol seizures. Engage with partners and CBO colleagues to identify appropriate support and diversionary activities.

Licensed Premises: monitor licensed premises activity and act as first responders to antisocial behaviour related incidents whenever possible.

- The Licensing Officer will continue to work in conjunction with partner agencies and LSO's to provide guidance and support to all parties, ensuring license holders and licensed premises staff have a better understanding of their responsibilities/obligations. This collaborative approach should seek to further develop partnerships as well as fulfil licensing objectives.
- The Dedicated Night Time Economy Policing Plan will continue and will be led by Local Community Police Officers, with assistance from Response Officers (subject to incident demand). This co-ordinated plan will be devised with the Licensing Officer and will include licenced premises inspections to ensure compliance with licensing obligations and to detect and deter any alcohol-fuelled criminality. All incident related visits will continue to be recorded for any required further action from the Licensing Officer.

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- Continue with the “It’ll Cost You” Proxy Purchase Campaign. This will encompass further distribution of campaign materials, engaging with licensed premises staff to provide appropriate guidance and some social media activity to increase awareness across East Lothian.
- The Licensing Officer will continue to review any relevant intelligence and liaise with colleagues or other intelligence sources (where permitted) to facilitate a satisfactory resolution.
- Work in conjunction with major event organisers, colleagues and partner agencies to agree conditions for events, offer advice and support in order to achieve a safe and crime free environment for such events.
- Raise any necessary licence objections, adverse concerns or representations and conditions, as well as identify any potential licensing reviews required to be submitted for review by East Lothian Licensing Board.

CONCLUSION

Police Scotland would like to thank you for your continued support during what has been a challenging year for all in terms of resourcing and financial challenges.

We look forward to a safe and healthy 2024/2025.