

0CC397/23



East Lothian Council
Licensing

14 MAY 2023

Received

LICENSING (SCOTLAND) ACT 2005, SECTION 142

OCCASIONAL LICENCE APPLICATION FORM

5

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.

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) EL1835

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate):

Mr / Mrs / Miss / Ms / Other (please state) Mr

Surname Linklater

Forenames Eric Linklater

Date of birth (Day / Month / Year)  _____

2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

[Redacted]

Post town [Redacted]

Post code [Redacted]

Telephone Numbers

Daytime Tel. [Redacted]

Evening Tel. [Redacted]

Mobile No. [Redacted]

Fax No. _____

Email [Redacted]

3. THE PREMISES

Description of premises

Conversion of farm building to a farm retail shop

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

Farm retail shop selling a range of food produce, gifts & alcohol with 70 people

anticipated over 2 weeks

Full postal address of premises which this application refers to _____

Carfrae Farm, Haddington, East Lothian EH41 4LP

4. DURATION OF LICENCE

From 1st June 2023 To 14th June 2023

5. Is alcohol to be sold on & off the premises YES NO

Provide relevant details as to hours requested when alcohol will be sold on/off the premises.

Times for sale of alcohol for consumption on premises

Not applicable

Times for sale of alcohol for consumption off premises

Monday to Saturday inclusive 10am to 10pm, Sunday 10am to 10pm

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

Retail of non-alcoholic products from 8am to 10am, 7 days per week

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 All children under 18 years old

Times at which children or young persons permitted entry 8am to 10pm daily

Parts of premises to which children or young persons permitted entry

Public accessible retail display area

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 Eric Linklater _____

Date 15th May 2023

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.)

Farm Shop selling mainly local & Scottish products

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

None

2. Attendance

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

70 people over 2 weeks

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

Projected number of people based on numbers at other farm shops

(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)

Not applicable - public have free access to shop during opening hours

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.

Not applicable

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

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 plan attached

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

Not applicable

6. Will alternatives to glass receptacles be provided?

Not applicable

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

Please provide details of any training certificate held.

Staff serving alcohol hold Scottish Certificate for Personal Licence Holders at SCQF Level 6

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?

Staff training, CCTV, refusal to sell policy, under 25 years sign

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

Fire Safety Policy

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

CCTV installed

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

Adherence to minimum unit pricing policy

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

An under 25 years notice will be displayed & all under 25's will be challenged to provide ID.

Children will require to be supervised at all times by a responsible adult.

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 Eric Linklater

Date 15th May 2023

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Karen Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 17th May 2023

Subject: LICENSING SCOTLAND ACT 2005
REPORT - OCCASIONAL LICENCE APPLICATION OCC397 - 401/23 AND
OCC407/23
Eric Linklater, Carfrae Farm Shop, Haddington, East Lothian, EH41 4LP

The applicant is Eric Linklater who is a personal licence holder. Application has been made for five occasional licences for Carfrae Farm Shop from 1st June until 23rd August 2023.

The applications request off sales hours of 1000-2200 Monday – Sunday.

The premises have been operating on occasional licences from 9th September 2022 until present.

I refer the board to section 20.1 and 20.2 of the East Lothian Licensing Board's Statement of Licensing Policy:-

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

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

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

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

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

A visit was conducted at the premises with Mr Linklater where an application for a premises licence was discussed and guidance was given. The applicant was in touch in January 2023 detailing that a premises licence application would be submitted and so no report was submitted in relation to the next set of occasional licence applications in anticipation of the application.

To date no application for a premises licence has been received.

It is therefore requested that the board considers the five applications covering the period 1st June – 23rd August 2023 for determination as per board policy above and they are not granted on delegated powers on consultation with Police and the Licensing Standards Officer alone. An example application has been provided for the board from 1st June – 14th June 2023, all subsequent applications are the same with the exception of the dates.

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

K. Harling
Licensing Standards Officer

Licensing

From: Iain Anderson <Iain.Anderson3@scotland.police.uk>
Sent: 16 May 2023 11:03
To: Licensing
Subject: O/L APP - CARFRAE FARM - FROM 01/06/2023 TO 14/06/2023
Attachments: OCCASSIONAL LICENCE 01.06.23 TO 14.06.23.DOCX

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 - 723773

Regards
Iain