

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Occasional(s)	Premises	Applicant	Date Received	Comments
7	BROXMOUTH HOUSE BROXMOUTH PARK DUNBAR EAST LOTHIAN EH42 1QW	SIMON PAUL FLAME	5 July 2016	Start date of event: 16/09/2016 End Date of Event: 17/09/2016 Wedding Michelle:kieran Children and young persons are permitted during the following times: 3pm to 1am on 16th September 2016 11am to 1am on 17th September 2016.

16^m - 17^m September.

Occ322/16

EAST LOTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

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

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	
Personal licence number (if applicable) EL878	
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS				
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)				
Surname	FLAME			
Forenames	SIMON PAUL			
DATE OF BIRTH		Day	Month	Year
		█	█	█
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES				
BROXMOUTH HOUSE BROXMOUTH PARK				
Post town DUNBAR		Post code EH42 1QW		
TELEPHONE NUMBERS				
Daytime	█			
Evening	█			
Mobile	█			
FAX NUMBER				
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)				
█				

ELC
CUSTOMER SERVICES
05 JUL 2016
RECEIVED

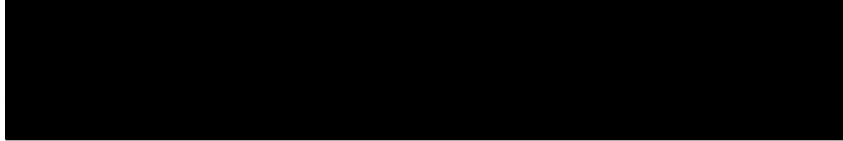
3. THE PREMISES

Description of premises

STATELY HOME WITH MARQUEE IN EXTENSIVE GROUNDS

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

WEDDING CELEBRATIONS OF;



PLEASE NOTE THAT THE VENUE INTENDS TO APPLY FULL A FULL ALCOHOL LICENSE ONCE THE PENDING PLANNING APPLICATION HAS BEEN APPROVED

Full postal address of premises which this application refers to

BROXMOUTH PARK

DUNBAR

EH42 1QW

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

From: FRIDAY 16TH SEPTEMBER, 3PM TO 1AM
To: SATURDAY 17TH SEPTEMBER 11AM TO 1AM

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

11AM TO 1AM

Times for sale of alcohol for consumption off premises

NOT APPLICABLE

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

NOT APPLICABLE

6. CHILDREN (see note 2)

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

Are children or young persons permitted entry? **YES** (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry

0 – 17 YEARS

Times at which children or young persons permitted entry

AT ALL TIMES

Parts of premises to which children or young persons permitted entry

NO CHILD WILL BE PERMITTED WITHIN 1.5 METERS OF THE BAR AT ANY TIME

7. CHECKLIST

I have - Please tick for yes

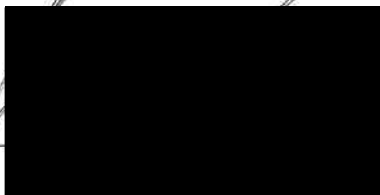
- Made or enclosed payment of the fee for the application

8. Signature and declaration by applicant (see note 3)

DECLARATION

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

SIGNATURE



DATE

24.6.16

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

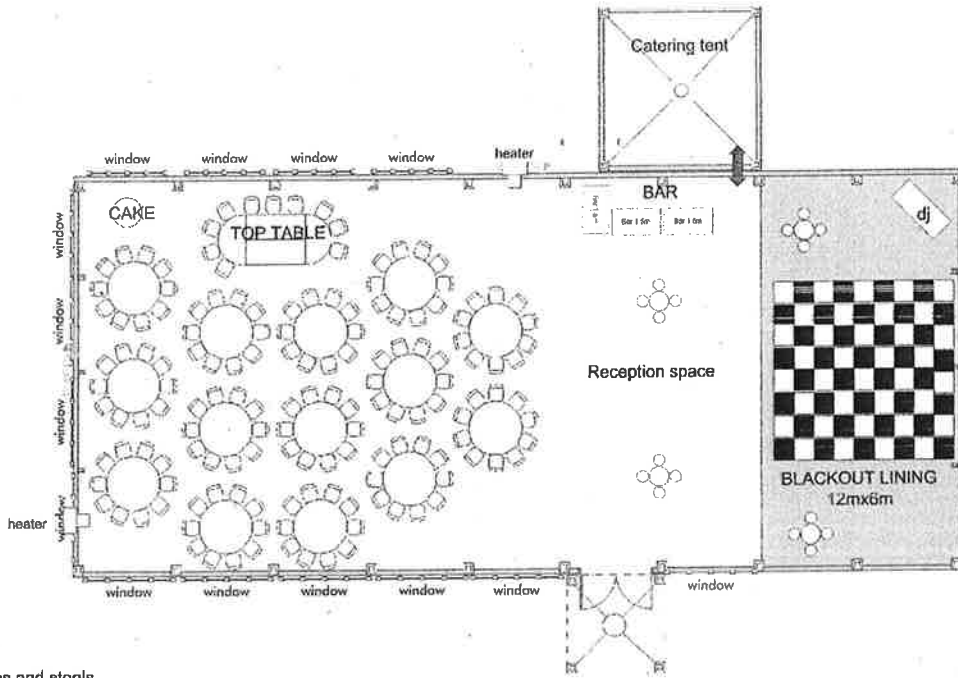
The information on this form may be held on an electronic register which may be available to members of the public on request.

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>)

Tent and Garden Marquees
special tents for smart events

Broxmouth Park
May 2012

12m x 27m
150 guests



Bar tables and stools

Our Ref: KMacN/mjw/EN/L/L1/OCC

Your Ref:

Date: 10th August 2016

Mr Simon P Flame
Broxmouth House
Broxmouth Park
Dunbar
EH42 1QW

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
REPEATED OCCASIONAL LICENCES - OCC322/16
SIMON FLAME: BROXMOOUTH HOUSE, BROXMOOUTH PARK, DUNBAR
PREMISES: STATELY HOME & MARQUEE, GROUNDS OF BROXMOOUTH PARK**

I refer to the abovementioned application, which will be required to be considered by East Lothian Licensing Board on Thursday 25th August 2016 at 10.00 a.m. in The Council Chambers, Town House, Haddington, East Lothian.

Please find enclosed copy of representation received in this office from the Licensing Standard Officer.

In the circumstances, I hereby formally cite you to be in attendance, at the meeting in order to address the Board on the terms of the application. If you are unable to attend in person you may appoint another person to speak on your behalf, you must however provide this person with written authorisation which sanctions them to do so and this must be produced at the meeting.

An agenda for the meeting of 25th August 2016, will follow in due course.

Yours faithfully

Kirstie MacNeill
Clerk to the Licensing Board

Enc.

Direct Line: 01620 827867 (Maree Winter)
Direct Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

05 Aug. 16

Subject: LICENSING BOARD – STATEMENT OF LICENSING POLICY 2013-2016
REPEAT OCCASIONAL LICENCE APPLICATIONS – OCC322/16
BROXMOUTH PARK, DUNBAR, EAST LoTHIAN EH42 1QW

I refer to the above application for occasional licence hours between 1500 hours on 16th and 0100 on 17th September 2016. I have no objection to the grant of this licence. However, it is only right that this and further such applications be determined by the Board, as it is the case that Mr Flame has applied for numerous similar applications, as detailed below, which are now outwith Board policy on repeated applications.

BroxmouTh House and Park:

- 14 applications 2012
- 21 applications 2013
- 15 applications 2014
- 21 applications 2015
- 13 applications , to date for 2016
- All applications are in relation weddings.
- Mr Simon Flame, personal licence holder, applies for these licences on behalf of his company.

In August 2014 Mr Flame applied for planning permission in respect of the permanent use of his events marquee. Since April 2015 Mr Flame has included in his Occasional Licence applications that 'It is our intention to apply for a full licence once planning permission for the marquee has been granted'. On the basis of this statement it was agreed to approve applications pending receipt of the indicated premises licence application, which has not been forthcoming. It would appear that Mr Flame's 2014 and subsequent new planning application of May 2015 has not yet been determined.

Extract from Statement of Licensing Policy 2013-2016:

8.2 Repeated Occasional Licence applications

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 to be 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 generally expected that the premises in question should consider an application for a Premises Licence.

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

An application for a Premises Licence, in terms of Section 21(1) of the Act, requires to be notified by the Board to, inter alia, the Council for the area. This, along with the financial provisions of the Act and relative regulations which set application fees for Premises Licences at a level to cover costs of processing, allows relevant Council services whose remit includes safety of the public and protecting and improving public health, to properly and thoroughly scrutinise the application for a Premises Licence, including the operating plan and layout plan. This ensures that the public are protected in relation to the Licensing Objectives referred to above. The same protection of public health and public safety cannot be provided where premises operate under a series of consecutive Occasional Licences where the scrutiny process by those Council services does not take place. Accordingly, in the interests of better securing public safety and/or for better protecting and improving public health, the Board considers that it is not generally appropriate for a premises to operate on a series of consecutive Occasional Licences rather than apply for a Premises Licence and will require an applicant to explain why an application for a Premises Licence is not being made.

As previously stated, I have no objection to the grant of Mr Flame's application, but it is time that the determination of future applications be decided by the Board, and not by the police or LSO alone, since it is the case in recent times that other businesses/premises have been called to the Board for this same reason.

I submit this report for the information of Licensing Board members.

R. Fruzynski
Licensing Standards Officer.

Herkes, Gillian

From: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk
Sent: 16 July 2016 20:14
To: Licensing
Subject: FW: OCC322/16 - Broxmouth - 16th to 17th Sept. 2016
Attachments: LILAC_QXM04806_1711_001.pdf

No objections

-----Original Message-----

From: Elworthy, Debbie [mailto:delworthy@eastlothian.gcsx.gov.uk]
Sent: 12 July 2016 15:44
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi; Grant, Shona;
Environmental Health/Trading Standards
Subject: OCC322/16 - Broxmouth - 16th to 17th Sept. 2016

[Routed via PSN Network]

Hello

Please see attached application.

Ta

Debs

Debbie Elworthy
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
T. 01620 827217
E. delworthy@eastlothian.gov.uk or licensing@eastlothian.gov.uk

-----Original Message-----

From: "Elworthy, Debbie" [mailto:delworthy@eastlothian.gov.uk]
Sent: 12 July 2016 15:43
To: Elworthy, Debbie
Subject: Attached Image

East Lothian
A great place to live, learn, work and play A fantastic place to foster
<http://www.eastlothian.gov.uk/fostering>
fostering@eastlothian.gov.uk
Phone 01620 827643 to find out more about fostering

Email Disclaimer - East Lothian Council

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and ensure it is deleted and not read copied or disclosed to anyone else. It is your responsibility to scan this email and any attachments for computer viruses or other defects. East Lothian Council do not accept liability for any loss or damage