

OCCEXT011/23.
PC, LSO

EAST LoTHIAN LICENSING BOARD

+ OCCEXT012/23

Licensing (Scotland) Act 2005

4

Application for Extension of Licensed Hours

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

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. Application must be lodged 14 days prior to the event.

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

1. LICENCE DETAILS (see note 1)	
Premises licence number	EL0368
Premises name and full postal address (including post code, which this application refers to)	Eskmills Venue
	Station Road, Musselburgh
	East Lothian
	EH21 7PQ

2. APPLICANTS DETAILS	
Name of individual	Scott Alan Campbell Dodds
Company/Partnership	Eskmills Venue (Hickory)
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
FAX NUMBER	n/a
EMAIL ADDRESS (if you would prefer us to correspond you by e-mail) –	

5. PROVIDE EXTENDED HOURS APPLIED FOR (see notes 2 and 3)		
Day	Commencement Time	Terminal Hour
Monday		01:00
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday	24.00	

4. DURATION OF LICENCE

From: 08.10.23
To: 09.10.23

3. THE EVENT OR OCCASION

Specify the type of event or occasion to be catered for on the premises and the organiser

Wedding – ceremony, drinks reception, meal, reception party with entertainment – approx. 140 guests

7. CHECKLIST (Please tick yes/no)

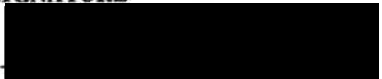
<input type="checkbox"/> I have Made or enclosed payment of the fee for the application	NO
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8. SIGNATURE AND DECLARATION BY APPLICANT (see note 4)

DECLARATION

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

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

SIGNATURE 	DATE 04/05/23
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NOTES

- Section 68 of the Licensing (Scotland) Act 2005 provides that the holder of a premises licence is eligible to apply for an extension of licensed hours in connection with:-
 - a special event or occasion to be catered for on the premises, or
 - a special event of local or national significance.
- This application must be lodged at least 28 working days before the event. This excludes the day of the event and the day of lodging. Delivering on a Saturday, Sunday, after 5pm or on public holidays is not lodging.
- The extension of licensed hours may be for such period as is specified in the application or such other period as the Board considers appropriated, but it must not exceed one month.
- 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
- Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

6. East Lothian Licensing Board may extend the licensed hours as per Section 68 of the Act. It should be noted that, as per the Statement of Licensing Policy 2018 -2023, the following considerations will be applied to each application:

Each extended hours' application will be assessed on its own merits. When the extended hours sought, in respect of on sales premises, fall outwith the on sales policy hours as appropriate to the premises, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances.

The Board will not grant an extended hours application where the applicant fails to satisfy the Board that a genuine special event is taking place and the application merely relates to extra drinking time. Where the applicant is seeking extended hours they must clearly demonstrate to the Board in their application the nature of the special event taking place.

The Board considers that this approach is consistent with the objective of protecting and improving public health.

The applicant will require to provide the Board with sufficient information to enable a decision to be made. This information will include: -

- the hours sought
- a detailed description of the special event or occasion
- the proposed activities to take place during these hours
- when each activity will take place
- why the event or occasion is considered to be special
- why the event or occasion cannot take place within the on sales policy hours appropriate to the premises.

The Board will not normally grant applications for early drinking prior to travelling to sporting events.

Licensing

From: Iain Anderson <Iain.Anderson3@scotland.police.uk>
Sent: 17 May 2023 09:23
To: Licensing
Subject: OCCEXTT011.23 - EXT HOURS APP - ESKMILLS WEDDING - FROM 0000 TO 0100 ON 09/10/2023
Attachments: OCCEXT011.23.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 - 724041

Regards
Iain

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Karen Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 26th May 2023

Subject: LICENSING SCOTLAND ACT 2005
REPORT – EXTENDED HOURS APPLICATIONS EXTOCC011/23 &
EXTOCC012/23
Scott Dodds for EL0368 - Eskmills Venue (Event Space), Station Road,
Musselburgh, East Lothian, EH21 7PQ

The applicant is Scott Dodds who a personal licence holder and the premises manager for Event Space (Eskmills Venue). Application for extended hours as per the Licensing Scotland Act 2005 should be made by the premises licence holder and not the premises manager. A letter of authorisation has previously been submitted by the premises licence holder to authorise Mr Dodds to act on their behalf for these applications (see below). I would however, recommend that the premises licence holder represents themselves in response to this report rather than delegating authority to Mr Dodds.

Application has been made for 2 extended hours licences for the premises as follows:

- 1) Sunday 8th October – Monday 9th October 2023 from 0000-0100am
- 2) Sunday 15th October - Monday 16th October 2023 from 0000-0100am

The requested hours are for two weddings which include the ceremony, drinks reception, meal and reception party for approximately 140 guest on 8th October and 125 guests on 15th October.

In relation to the two applications I refer the board to the Statement of Licensing Policy section 18.2 below:

18.2 *Each extended hours' application will be assessed on its own merits. When the extended hours sought, in respect of on sales premises, fall outwith the on sales policy hours as appropriate to the premises, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances.*

The Board will not grant an extended hours application where the applicant fails to satisfy the Board that a genuine special event is taking place and the application merely relates to extra drinking time. Where the applicant is seeking extended hours they must clearly demonstrate to the Board in their application the nature of the special event taking place.

The Board considers that this approach is consistent with the objective of protecting and improving public health.

The applicant will require to provide the Board with sufficient information to enable a decision to be made. This information will include: -

- ✦ the hours sought*
- ✦ a description of the special event or occasion*
- ✦ the proposed activities to take place during these hours*
- ✦ when each activity will take place*
- ✦ why the event or occasion is considered to be special*
- ✦ why the event or occasion cannot take place within the on sales policy hours appropriate to the premises.*

In reference to the policy above I make the following comments:

- There is no dispute that a wedding is a special event for the couple, their families and friends involved. However, I recommend the Board considers if these events are special events for the premises to hold as the premises provides facilities for weddings every week and that weddings and functions are part of their business model.
- This also raises the question why the event or occasion cannot take place within the on sales policy hours appropriate to the premises? The premises takes full advantage of the maximum board hours as detailed in the statement of licensing policy below:
 - 11.00 am to 11.00 pm Monday to Wednesday (inclusive)
 - 11.00 am to 1.00 am Thursday to Saturday (inclusive)
 - 11.00 am to 12.00 midnight on Sunday

I recommend the board considers if the hours sought by way of the extended hours applications of 0000-0100am Sunday into Monday on both dates could be

achieved by having the event on a day where the hours are already permissible and appropriate to the premises such as Thursday to Saturday.

- As stated above the Board will not grant an extended hours application where “the application merely relates to extra drinking time”. The refusal of this application will not affect the event nor prevent it from happening. It is my recommendation that the extra hour applied for relates to extra drinking time at the end of the events and not to any significant part of the wedding ceremony or celebrations.

Prior to this application 4 applications for extended hours have been granted since Jan 2023 as follows:

Date from	Date to	Extended times
06/08/2023	07/08/2023	0000-0100 Sunday – Monday
15/05/2023	16/05/2023	1100-0000 Monday - Tuesday
12/04/2023	12/04/2023	2300-0000 Wednesday
28/05/2023	29/05/2023	0000-0100 Sunday - Monday

In 2022, 6 applications for extended hours were granted and in 2021, 9 applications for extended hours were granted. All were for weddings with the exception of 2 occasions for a Boxing event and the Riding of the Marches Annual Dance and Presentation.

I recommend the Board consider if the premises would like to continue with these operations that a major variation application would be more appropriate to change the on sales hours rather than repeat extended hours applications that once granted cannot be altered or revoked. The major variation could be assessed by the board for determination.

I refer the above applications to the Licensing Board for consideration along with my report for determination.

K. Harling
Licensing Standards Officer