

LICENSING (SCOTLAND) ACT 2005, SECTION 142

**OCCASIONAL LICENCE
APPLICATION FORM**

5A

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) ECU 283

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate)

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

Surname KINNOCH

Forenames PAUL MAZZOLI

Date of birth (Day / Month / Year) [REDACTED]

2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

Post town _____ st code _____

Telephone Numbers

Daytime Tel. _____ Evening Tel. _____

Mobile No. _____

Fax No. _____ Email _____

3. THE PREMISES

Description of premises

Cafe / Takeaway / food + drinks service
16 persons

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

CAFE BAR

Full postal address of premises which this application refers to

6 HIGH STREET WASHINGTON
EH41 3EG

4. DURATION OF LICENCE

From 24/08/2023 To 6/09/2023

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

11 AM - 10 PM

Times for sale of alcohol for consumption off premises

10 AM - 10 PM

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 - 17 yrs

Times at which children or young persons permitted entry 9 AM - 9 PM

Parts of premises to which children or young persons permitted entry

ALL AREAS EXCEPT 1-5 METRES

FROM THE SERVICE

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 and correct to the best of my knowledge and belief.

Signature _____

Date _____

21/7/23

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 organisationis 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>)

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Karen Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 11th August 2023

Subject: LICENSING SCOTLAND ACT 2005
REPORT - OCCASIONAL LICENCE APPLICATION OCC583/23, OCC638-642/23
Paul Kinnoch, Mazzoli Café, 6 High Street, Haddington, East Lothian, EH41 3ES

The applicant is Paul Kinnoch who is a personal licence holder. Application has been made for six occasional licences for Mazzoli Café from 24th August 2023 - 15th November 2023.

The applications request on sales from 1100-2200 and off sales hours of 1000-2200 Monday – Sunday.

The premises have been operating on occasional licences from 24th January 2022 until present. Should the Board grant the applications the premises will have been trading on occasional licences for 22 months.

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.

Mr Kinnoch has communicated that he is in the process of making an application for a provisional premises licence. Guidance has been provided in relation to the process of applying for a provisional licence.

It is therefore requested that the board considers the application 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.

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

K. Harling
Licensing Standards Officer

Licensing

From: Natasha Gregory <Natasha.Gregory@scotland.police.uk>
Sent: 26 July 2023 15:16
To: Licensing
Subject: REF 583
Attachments: OCC583 APPLICATION.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

