

OCC580/23
Adv 28/7



LICENSING (SCOTLAND) ACT 2005, SECTION 142

OCCASIONAL LICENCE APPLICATION FORM

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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) EL0114

Personal licence number (if applicable) EL1216

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate):

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

Surname ELLIOT

Forenames SANDRA

Date of birth (Day / Month / Year) ██████

East Lothian Council
Licensing
25 JUL 2023
Received

2. PERSONAL DETAILS (cont)

Address where ordinarily resident to be used for correspondence purposes

SANDRA ELLIOT

Post town

Post code

Telephone Numbers

Daytime Tel.

Evening Tel.

Mobile No.

Fax No.

Email

3. THE PREMISES

Description of premises

Eagle Inn bar on Dunbar High Street

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

Outdoor seating to be placed during daylight hours
(1100-2000) - 4 bistro set tables as per plans

Full postal address of premises which this application refers to

75 High Street, Dunbar, EH42 1EW

4. DURATION OF LICENCE

From FRIDAY 8 SEP To THURSDAY 21ST SEPTEMBER

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

As per licence. Outside drinking from 1100hrs - 2000hrs

Times for sale of alcohol for consumption off premises

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

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) 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 SANDRA ELLIOT

Date 27 JUNE 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.)

Outdoor seating

(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?

NA seating for 12 people.

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

Base on plan submitted & approved.

(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)

Seating outside premises.

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.

1-6

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

None.

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

Plan previously submitted

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

6. Will alternatives to glass receptacles be provided?

Yes - plastic

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

Please provide details of any training certificate held.

All fully bar trained.

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?

Challenge 25 in place as well as no serving of intoxicated people.

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

As above - no glasses outside.

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

Seating will be removed at 2000hrs to prevent noise.

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

No serving of intoxicated persons.

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

N/A.

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 27 JUNE 2023

PERMISSION TO PLACE A STRUCTURE ON THE ROAD

Application No. **365 (3391202)**
Location of Apparatus **Eagle Inn
75 High Street
Dunbar EH42 1EW**
Reference **EL001-L1063**

The Council as Roads Authority for the purpose of the Roads (Scotland) Act 1984 having considered the application by:-

Name **Cara Davies**
Address **Eagle Inn
75 High Street
Dunbar EH42 1EW**
Telephone No. [REDACTED]
Email [REDACTED]
Dated **27/06/2023**

hereby grant permission under Section 59 of the Roads (Scotland) Act 1984 to place a structure on the road as follows

table & chairs outside pub during daylight hours / 5 bistro style table & chairs

At

**Outside Eagle Inn
75 High Street
Dunbar EH42 1EW**

High Street

Dunbar, East Lothian

This permission shall be valid from **26/07/2023** to **25/07/2024**

Signed [REDACTED]

Date **21/7/23**

In addition to the standard conditions agreed to at the time of application, the following must be complied with:-

Any changes to the details of this permission must be notified immediately in writing to Roadworks@eastlothian.gov.uk

Licensing

From: Iain Anderson <Iain.Anderson3@scotland.police.uk>
Sent: 27 July 2023 08:36
To: Licensing
Subject: OCC580.23 - O/L APP - FROM 08/08/2023 TO 21/09/2023 - EAGLE INN, DUNBAR
Attachments: (8-21 SEP) OCCASIONAL_APPLICATION_FORM COPY.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 - 743741

Regards
Iain

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Karen Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 24th May 2023

Subject: LICENSING SCOTLAND ACT 2005
REPORT - OCCASIONAL LICENCE APPLICATION OCC580-581/23
Cara Davies for outside area at Eagle Inn, 75 High Street, Dunbar, East Lothian,
EH42 1EW

The applicant for the occasional licences is Sandra Elliot who is the premises manager at The Eagle, 75 High Street, Dunbar. The premises licence holder for the Eagle Inn is Greene King Brewing and Retail Ltd.

Application has been made for 2 occasional licences for an outside area in front of the Eagle Inn, 75 High Street, Dunbar from 25th August – 21st September 2023. No plan has been submitted with these applications and so the licensed area cannot be determined or assessed. A layout plan should be submitted with the applications indicating the licensed area with dimensions and I recommend that the number of seats and tables is also detailed on it. The application details 4 bistro tables however the accompanying permission from the roads department details 5 bistro tables.

The requested hours are 1100-2000 for consumption of alcohol on the premises.

In relation to the application I make the following comments and recommendations for the Board's consideration.

- The applicant should submit a detailed plan of the area to be licensed with measurements and details of the seating arrangement. Information should be provided on how the area will be delineated.
- I am content that the applicant has secured a valid permit from the Roads department for the placing of the tables and chairs on the street

In summary, it is my opinion that there is missing information and a lack of clarity around the applications. The decision as to whether the applications are competently made, does not sit with the LSO, but with officers of the Licensing Board, the clerk, and, in some cases, not even with the clerk, but with the board. A decision by an LSO to reject or refuse to process an application would be *ultra vires* and therefore unlawful.

Should the board wish to grant the 6 occasional licences I recommend the following conditions are added:

- 1) No public entertainment, amplified music, amplified vocals or live music played in the outdoor area to ensure the use does not cause nuisance neighbouring residential properties.
- 2) The outdoor area should be clearly delineated with removable barriers and all seating and barriers should be removed between 2000-1100 hours.
- 3) The Occasional Licence Holder shall ensure that staff:-
 - (a) promptly collect all empty/unused drinking glasses and bottles from the outside area;
 - (b) regularly supervise the outside area and its patrons;
- 4) Alcohol shall only be consumed in the licenced area(s) whilst being seated and a notice should be placed in a suitable place in the outside area informing all patrons of such.
- 5) If the outside area is on council land or a road/pavement then a valid permit/authorisation issued from the East Lothian Council Roads Department must be in place in order to use the occasional licence.
- 6) An authorised officer of the Council or Police Scotland may temporarily suspend the use of the area for reasons of public safety.

I refer the applications to the Licensing Board for consideration of the above conditions and determination of the grant of the occasional licences.

K. Harling
Licensing Standards Officer