

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

2a(i)

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 6th February 2024

Subject: LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATION(S) – OCC083-85/24, OCC097-100/24

CHRISTOPHER NIXON FOR DUNGLASS ESTATE, DUNGLASS, COCKBURNSPATH, EAST LoTHIAN, TD13 5XF

The applicant is Christopher Nixon who is a personal licence holder. Application has been made for 6 occasional licence for a weddings as follows:

OCC083/24 – Saturday 2nd March 2024 2pm-12 midnight

OCC084/24 – Saturday 9th March 2024 2pm-12 midnight

OCC085/24 – Saturday 30th March 2024 2pm-12 midnight

OCC0097/24 – Saturday 6th April 2024 2pm-12 midnight

OCC0098/24 – Saturday 13th April 2024 2pm-12 midnight

OCC099/24 – Wednesday 24th April 2024 2pm-12 midnight (outwith Board policy on-sales hours)

OCC100/24 – Saturday 27th April 2024 2pm-12 midnight

Dunglass Estate has a purpose-built wedding/event venue that has been operating on occasional licences submitted by outside caterers/personal licence holders. The venue appears to have been in operation since 2021. The following number of occasional licence applications have been submitted and granted:

2021 – 23

2022 – 26

2023 – 52

2024 – to date 8

There has been a significant increase in the number of applications and the venue is now used on a weekly basis, hosting weddings at weekends and midweek.

I refer the Board to section 23.1 and 23.2 of the Statement of Licensing Policy:

23.1 - 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. This includes where there are different applicants for the same premises, but the activities are similar e.g. weddings, corporate events. It is largely expected that the premises in question should consider an application for a Premises Licence.

23.2 - 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.

Where an application is to allow premises to trade on a regular basis prior to a Premises Licence application having been determined, the application will be referred to the Board for consideration in the first instance.

I understand that the applicant is as a hired caterer however as the policy details - "This includes where there are different applicants for the same premises, but the activities are similar e.g. weddings, corporate events." I suggest that the applicant should liaise with the Estate Owner.

An approach was made to Dunglass Estate in February 2023 and detailed guidance was given on the process of applying for a premises licence. A large amount of correspondence was sent to Claire Weir, Events Manager at the Estate. In October 2023, I was contacted by Ms Weir and informed she was leaving her position however Simon Usher, owner of the Estate would be taking the premises licence application forward. I have had no further communication from Mr Usher and no update on any progress. Miss Weir detailed that there was an outstanding building warrant that needed to be granted.

In addition the application OCC099/24 requests hours of 2pm-12 midnight on a Wednesday. This is out with board policy on sales hours for a Wednesday which terminate at 11pm. I refer the Board to section 20.1 and 22.12 of the Statement of Licensing Policy detailing applications outwith board hours require to be determined at a hearing.

In accordance with board policy above, I refer the application to the Licensing Board for determination.

Licensing Standards Officer

Licensing

From: Natasha Gregory <Natasha.Gregory@scotland.police.uk>
Sent: 24 January 2024 15:02
To: Licensing
Subject: ref dunglass estate
Attachments: DUNGLASS LICENCE APPLICATION - DAVID & GRANT.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

2 March

LICENSING (SCOTLAND) ACT 2005, SECTION 142

OCCASIONAL LICENCE APPLICATION FORM

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.

East Lothian Council
Licensing

24 JAN 2024

Received

1. LICENCE DETAILS (see note 1)

Premises licence number (if applicable) _____

Personal licence number (if applicable) SC2149

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate):

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

Surname Nixon

Forenames Christopher, Graham

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. [Redacted] Email info@platterandpop.co.uk

3. THE PREMISES

Description of premises

Dunglass Estate - Wedding Venue

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

Wedding Cash Bar, 100 guests

Full postal address of premises which this application refers to

Dunglass Estate, Dunglass, Cockburnspath TD13 5XF

4. DURATION OF LICENCE

From 02/03/2024 To 02/03/2024

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

2pm - 12am

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

2pm-12am

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

Times at which children or young persons permitted entry All Day

Parts of premises to which children or young persons permitted entry

All apart from bar 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 Chris Nixon

Date 23/01/24

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, ceillidh, etc.)

Wedding

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

Live Band

2. Attendance

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

100

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

Couple's guest list

(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)

Private invitation

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.

n/a

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

n/a

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
-
-

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?

Plastic glasses for last orders

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

Please provide details of any training certificate held.

All bar staff have undergone mandatory training and personal licence holder will be on site.

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 operation, promotion of responsible drinking.

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

Promotion of responsible drinking, trained staff in attendance at all times.

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

Venue is a secluded location, on private land.

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

Promote responsible drinking, wide variety of non alcoholic beverages available.

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

Children will be the responsibility of parent or guardian. Children will not be allowed in bar areas.

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 Chris Nixon

Date 23/01/24

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 6th February 2024

Subject: LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATION(S) – OCC083-85/24, OCC097-100/24

CHRISTOPHER NIXON FOR DUNGLASS ESTATE, DUNGLASS, COCKBURNSPATH, EAST LoTHIAN, TD13 5XF

The applicant is Christopher Nixon who is a personal licence holder. Application has been made for 6 occasional licence for a weddings as follows:

OCC083/24 – Saturday 2nd March 2024 2pm-12 midnight

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OCC085/24 – Saturday 30th March 2024 2pm-12 midnight

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OCC0098/24 – Saturday 13th April 2024 2pm-12 midnight

OCC099/24 – Wednesday 24th April 2024 2pm-12 midnight (outwith Board policy on-sales hours)

OCC100/24 – Saturday 27th April 2024 2pm-12 midnight

Dunglass Estate has a purpose-built wedding/event venue that has been operating on occasional licences submitted by outside caterers/personal licence holders. The venue appears to have been in operation since 2021. The following number of occasional licence applications have been submitted and granted:

2021 – 23

2022 – 26

2023 – 52

2024 – to date 8

There has been a significant increase in the number of applications and the venue is now used on a weekly basis, hosting weddings at weekends and midweek.

I refer the Board to section 23.1 and 23.2 of the Statement of Licensing Policy:

23.1 - 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. This includes where there are different applicants for the same premises, but the activities are similar e.g. weddings, corporate events. It is largely expected that the premises in question should consider an application for a Premises Licence.

23.2 - Section 59(G) 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.

Where an application is to allow premises to trade on a regular basis prior to a Premises Licence application having been determined, the application will be referred to the Board for consideration in the first instance.

I understand that the applicant is as a hired caterer however as the policy details - "This includes where there are different applicants for the same premises, but the activities are similar e.g. weddings, corporate events.". I suggest that the applicant should liaise with the Estate Owner.

An approach was made to Dunglass Estate in February 2023 and detailed guidance was given on the process of applying for a premises licence. A large amount of correspondence was sent to Claire Weir, Events Manager at the Estate. In October 2023, I was contacted by Ms Weir and informed she was leaving her position however Simon Usher, owner of the Estate would be taking the premises licence application forward. I have had no further communication from Mr Usher and no update on any progress. Miss Weir detailed that there was an outstanding building warrant that needed to be granted.

In addition the application OCC099/24 requests hours of 2pm-12 midnight on a Wednesday. This is out with board policy on sales hours for a Wednesday which terminate at 11pm. I refer the Board to section 20.1 and 22.12 of the Statement of Licensing Policy detailing applications outwith board hours require to be determined at a hearing.

In accordance with board policy above, I refer the application to the Licensing Board for determination.

Licensing Standards Officer

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 16th February 2024

Subject: LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATION(S) – OCC105/24

CHRISTOPHER NIXON FOR DUNGLASS ESTATE, DUNGLASS, COCKBURNSPATH, EAST LoTHIAN, TD13 5XF

The applicant is Christopher Nixon who is a personal licence holder. Application has been made for an occasional licence for a wedding as follows:

OCC105/24 – Wednesday 17th April 2024 2pm-11pm

Dunglass Estate has a purpose-built wedding/event venue that has been operating on occasional licences submitted by outside caterers/personal licence holders. The venue appears to have been in operation since 2021. The following number of occasional licence applications have been submitted and granted:

2021 – 23

2022 – 26

2023 – 52

2024 – to date 11 to be considered

There has been a significant increase in the number of applications and the venue is now used on a weekly basis, hosting weddings at weekends and midweek.

I refer the Board to section 23.1 and 23.2 of the Statement of Licensing Policy:

23.1 - Repeated applications for Occasional Licences for the same premises and which are: -

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Where an application is to allow premises to trade on a regular basis prior to a Premises Licence application having been determined, the application will be referred to the Board for consideration in the first instance.

I understand that the applicant is a hired caterer however as the policy details - *“This includes where there are different applicants for the same premises, but the activities are similar e.g. weddings, corporate events.”*. I suggest that the applicant should liaise with the Estate Owner.

An approach was made to Dunglass Estate in February 2023 and detailed guidance was given on the process of applying for a premises licence. A large amount of correspondence was sent to Claire Weir, Events Manager at the Estate. In October 2023, I was contacted by Ms Weir and informed she was leaving her position however Simon Usher, owner of the Estate would be taking the premises licence application forward. I have since been updated that Mr Usher has been working with Macdonald Licensing to make an application for a premises licence.

In accordance with board policy above, I refer the application to the Licensing Board for determination.

Licensing Standards Officer

Licensing

From: Natasha Gregory <Natasha.Gregory@scotland.police.uk>
Sent: 30 January 2024 15:04
To: Licensing
Subject: REF 99/24
Attachments: OCC099.24 - APP.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



LICENSING (SCOTLAND) ACT 2005, SECTION 142

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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) SC2149

Name of voluntary organisation (if applicable) _____

2. PERSONAL DETAILS

Title (delete as appropriate):

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

Surname Nixon

Forenames Christopher, Graham

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. _____

Mobile No. [Redacted]

Fax No. _____

Email info@platterandpop.co.uk

3. THE PREMISES

Description of premises

Dunglass Estate - Wedding Venue

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

Wedding Cash Bar, 100 guests

Full postal address of premises which this application refers to _____

Dunglass Estate, Dunglass, Cockburnspath TD13 5XF

4. DURATION OF LICENCE

From 24/04/2024 To 24/04/2024

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

2pm - 12am

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

2pm-12am

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

Times at which children or young persons permitted entry All Day

Parts of premises to which children or young persons permitted entry

All apart from bar 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 Chris Nixon

29/01/24

Date _____

NOTES

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- The holder of a personal licence; or
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Wedding

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

Live Band

2. Attendance

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

100

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

Couple's guest list

(c) In the main, what age group will form the majority of those attending?
Please tick one box

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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)

Private invitation

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.

n/a

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

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4. Layout Plans

Please indicate if –

- (a) there is a plan attached to a Public Entertainment Licence issued for the premises; or
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- (c) if neither of the above, please attach a detailed layout plan of the venue with the application
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5. Applications Lodged by Voluntary Organisations or Members Clubs Only

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Challenge 25 in operation, promotion of responsible drinking.

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

Promotion of responsible drinking, trained staff in attendance at all times.

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

Venue is a secluded location, on private land.

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

Promote responsible drinking, wide variety of non alcoholic beverages available.

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

Children will be the responsibility of parent or guardian. Children will not be allowed in bar areas.

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 Chris Nixon

Date 29/01/24
