

87346
OCC399/29
Adv 24/15

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

REFERRAL NOTES FOR COMPLETING APPLICATION FORM:-

3a

1. Application to be sent to: Clerk to the Licensing Board
Licensing Division
John Muir House
Haddington
East Lothian EH41 3HA

2. The application requires to be lodged not later than **42 days** prior to the date of the function together with the fee payable of **£10.00**.

3. For marquee or outside events - 4 copies of a detailed plan should be lodged with the application, showing the area and grounds which are required to be licensed.

4. The Board can only consider applications for Occasional Licence applied for by such person whom are listed below:
 - i) the holder of a premises licence
 - ii) the holder of a personal licence and
 - iii) a representative of any voluntary organisation

5. Applicant should advise Council's Environment and Consumer Services Department on 01620 827365 of any intention to prepare and serve food at the function. Applicant should also advise what toilet facilities are to be provided.

6. Applicant should advise Council's Environmental Protection Department on 01620 827365 if they are intending to have live or amplified music.

7. It is the policy of the Licensing Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it. Therefore, applicants for events mainly focused towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol licence is required and may be required to attend a Licensing Board hearing for a determination.

Occasional Licence and Supplementary Information Form

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)	EL1692
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	Sinclair-Parry
Forenames	Neil
DATE OF BIRTH	
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES	
Post town	
Post code	
TELEPHONE NUMBERS	

Daytime	[REDACTED]	
Evening		
Mobile		
FAX NUMBER		
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail) accounts@martfarmshop.co.uk		
3. THE PREMISES		
Description of premises Farm Shop, cafe, Post Office and Market		
Description of activities to be carried on in the premises – (including number of persons expected to attend) Temporary sale of beer, cider, ales, wine and spirits		
Full postal address of premises which this application refers to Mart Farm Shop East Linton Saleground Station Road East Linton, East Linton, EH40 3DN		

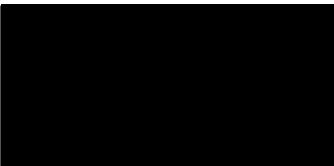
4. DURATION OF LICENCE	
From:	13 th June, 2024
To:	26 th June, 2024

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-* delete as appropriate	
Times for sale of alcohol for consumption on premises	Times for sale of alcohol for consumption off premises

	10:00 to 22:00 daily (7 days a week)
Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises	
09:00 to 22:00 daily (7 days a week)	

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	
<ul style="list-style-type: none"> Made or enclosed payment of the fee for the application 	X

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 20/05/24

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 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>)

PLEASE SUBMIT THIS SHEET WITH YOUR OCCASIONAL LICENCE APPLICATION FORM

SUPPLEMENTARY INFORMATION

<p>1. Event</p> <p>(a) Please detail the type of event (e.g. birthday party, anniversary celebration, ceilidh, etc.)</p> <p>(b) What entertainment, if any, will be provided? (e.g. live music, recorded music etc.)</p>	<p>(a) Temporary off licence sale of alcohol pending approval of Premises license application</p> <p>(b) None</p>
<p>2. Attendance</p> <p>(a) Approximately how many people are expected to attend?</p> <p>(b) How is this figure obtained? (e.g. previous events, ticket sales, capacity of venue)</p> <p>(c) In the main, what age group will form the majority of those attending? Tick one box.</p> <p>(d) How is access gained to the event? (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)</p>	<p>Normal shop customers which average approximately 100-120/day</p> <p>Average from sales transactions for the last 90 days</p> <p><input type="checkbox"/> Under 18</p> <p><input type="checkbox"/> 18 - 30</p> <p><input type="checkbox"/> 30 – 50</p> <p><input type="checkbox"/> over 50</p> <p>No entry fee as sale will be open to normal customer base</p>

<p>3. <u>Stewarding</u></p> <p>Please note it is an offence under the Private Security Industry Act 2001 to <u>employ</u> unlicensed door stewards.</p>	
<p>Unpaid volunteers performing this function are not covered by the Act, however. More information can be found at <u>Security Industry Authority</u>.</p> <p>(a) Please state the number, if any, of stewards to be employed at the event.</p> <p>(b) Of that number, please state how many will be SIA registered stewards and how many will be volunteers.</p>	<p>(a) No stewards only shop staff which average 3-4 per day</p> <p>(b) N/A</p>
<p>4. <u>Layout Plans</u></p> <p>Please indicate if -</p> <p>(a) there is a plan attached to a Public Entertainment Licence issued for the premises; or</p> <p>(b) the premises relate to a members club which has been issued with a premises licence; or</p> <p>(c) if neither of the above, please attach a detailed layout plan of the venue with the application</p>	<p>(a) N/A</p> <p>(b) N/A</p> <p>(c) Shop premises</p>
<p><u>5. Applications Lodged by Voluntary Organisations or Members Clubs Only</u></p> <p>Please list the dates of previous occasional Licences granted by the Board between 1 January and 31 December</p>	<p>N/A</p>

6. Will alternatives to glass receptacles be provided?	Off licence only, in bottles and cans
7. To what standard those serving alcohol be trained? Please provide details of any training certificate held	The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

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 objective.

8. How will you prevent Crime and Disorder at the event?	<ul style="list-style-type: none"> • All staff will wear clothing that makes them clearly identifiable in that role. • CCTV will be installed, operated and maintained 24/7 • CCTV images will be retained for a minimum of 14 days • A4 sized warning notices will be displayed in public areas of our premises and at all entrances advising that CCTV is in operation. The signs located at entrances will be placed on the exterior of the building at, and adjacent to, all public access doors. All signs will comply with the requirements of the Data Protection Act 2002. • Membership of the Local Licensees Association will be obtained and maintained and the licence holder or their representative will attend meetings and participate in relevant initiatives. • An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at our premises will be recorded. The incident book will be kept on the premises at all times and will be made available for inspection by the police and all officers of relevant statutory bodies.
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9. How will you secure Public Safety at the event?

- Irresponsible drinks promotions will not be permitted, and the standards for the management of responsible drinks promotions will be complied with.
- The licence holder or people authorised by them will check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.
- The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
- The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
- Free drinking water will be made available upon request and at all times the premises are open to the public.
- The electrical system at our premises, including portable appliances will be inspected and tested annually by a competent person and a satisfactory safety report obtained.
- The gas system, including appliances, will be inspected annually and tested by a Gas Safe Registered engineer and a satisfactory Gas Safety Certificate will be obtained.
- All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
- The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with any relevant legislation.
- An adequate and appropriate supply of first aid equipment and materials will be available on our premises.

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

- The licence holder will ensure that staff regularly patrol the premises both indoors and out to check that alcohol is not being consumed on our premises.
- Prominent, legible notices requesting people not to consume alcohol on our premises will be displayed on our premises.

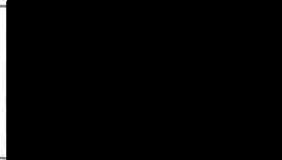
11. How will you promote and protect Public Health at the Event?

- displaying material discouraging drink driving
- making available information promoting moderate drinking along with awareness of units of alcohol and recommended guidelines.
- availability of low alcohol and alcohol free alternatives.
- provision of tap water that is fit for drinking and free of charge on request. Other non-alcoholic drinks must be available at a reasonable price
- providing contact details of where assistance for alcohol related problems may be sought.
- compliance with the law on alcohol pricing and irresponsible drinks promotions.

For Online Sales:-

- Customers ordering online will be required to enter their date of birth before purchase to prove that they are over 18 years of age.
- All home delivery parcels will be labelled to advise that they contains alcohol, and on delivery will not be left with anyone under the age of 18 years.
- All parcels sent out containing alcohol will be sent out by means of a 'signed delivery' and the person signing to accept delivery must be able to prove their age.
- An alcohol disclaimer will be displayed on our website advising that a date of birth and the signature of an adult will be required.
- A refusal/incident book will be kept in each delivery vehicle.
- Additional staff/driver alcohol training will be given for our delivery service.

<p>12. How will you protect Children from Harm at the Event?</p>	<ul style="list-style-type: none"> • A proof of age policy will be enforced. • A challenge 21/25 policy will be employed where those individuals who appear to be under the age of 21/25 attempting to purchase alcohol will be asked for identification. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence.
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<p>SIGNATURE AND DECLARATION BY APPLICANT DECLARATION</p>			
<p>IT IS AN OFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION</p>			
<p>(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))</p>			
<p>The contents of this Application are true to the best of my knowledge and belief.</p>			
<p>Signature</p>		<p>Date</p>	<p>20/05/23</p>

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 31st May 2024

Subject: LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATION(S) OCC399-406/24

THE MART FARM SHOP AND CAFE, EAST LINTON SALEGROUND, STATION ROAD, EAST LINTON, EAST LoTHIAN, EH40 3DN

The applicant is Neil Sinclair-Parry who is a currently a personal licence holder. Application has been made for 8 occasional licences for The Mart Farm Shop and Cafe.

The duration of the applications are:

OCC399/24 – 13th – 26th June 2024, 10am-10pm off sales only
OCC400/24 – 27th June – 10th July 2024, 10am-10pm off sales only
OCC401/24 – 11- 24th July 2024, 10am-10pm off sales only
OCC402/24 – 25 July – 7th August 2024, 10am-10pm off sales only
OCC403/24 – 8 – 21st August 2024, 10am-10pm off sales only
OCC404/24 – 22 August – 4th September 2024, 10am-10pm off sales only
OCC405/24 – 5 – 18th September 2024, 10am-10pm off sales only
OCC406/24 – 19th September – 2 October 2024, 10am-10pm off sales only

Currently, a provisional premises licence is held for the above premises that was granted in August 2022. The licence holder is Prawn Wild Ltd, the applicant being the sole director.

As per section 45 (3) of the Act - *A premises licence issued in respect of any such premises does not take effect unless and until it is confirmed by the Licensing Board which issued it in accordance with section 46.*

For the premises to operate and make sales of alcohol there requires to be a valid occasional licence. The Board has previously granted occasional licences since October 2020.

On 14th February 2024 the last occasional licence that had been granted ceased and no further occasional licences were applied for or granted.

On Monday 20th May, 2024 at about 14:30 hours, I attended at the Mart Farm Shop and Café where I found alcohol on display in two locations. I spoke with the duty manager Jackie who detailed that alcohol was for sale in the shop and sales have been made since February. I informed her there was no occasional or premises licence to sell alcohol currently and any sales since 15th Feb 2024 had been an offence under Section 1 of the Licensing (Scotland) Act 2005. I asked her to immediately cease all sales in the shop to

which she agreed, and she agreed to cover all the alcohol with black bags and put up a sign to say no alcohol signs.

I spoke to Neil Sinclair Parry who apologised and explained that it had been an oversight on his part, and he thought he had applied for occasional licences until June. I explained that this was not the case, and no sales of alcohol can take place until an occasional licence is granted. Due to the circumstances, I would report on any occasional licence applications which would then need to be heard at a Licensing Board for determination.

I explained to Jackie and Neil that the offence of the unlicensed sales of alcohol would be reported to police which I completed that day, and the information was passed to PC Lee Wilson.

I submit this for the Board's information in determining the occasional licence applications.

Licensing Standards Officer

29/05/2024

Your Ref: The Mart Farm Shop &
Café Occ Lic x 8
Our Ref: 828183

The Clerk of the Licensing Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



**POLICE
SCOTLAND**

Keeping people safe

Catriona Paton
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
OCCASIONAL LICENCE APPLICATION
PREMISES: FARM SHOP AT THE MART, HADDINGTON ROAD, EAST
LINTON, EAST LOTHIAN, EH40 3DN.
APPLICANT: NEIL SINCLAIR-PARRY, [REDACTED]**

I refer to the above application and in terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application:

The premises currently holds a provisional premises licence and has been operating on occasional licences since 2022. No concerns regarding the premises have been brought to police attention since this time.

On the 20th of May 2024 during a visit by the LSO it was discovered that the premises had been operating without an occasional licence between the period of 15/02/24 and 20/05/24. The premises was instructed to cease the sale of alcohol by the LSO and asked to cover the shelves which they did.

I spoke with Mr Neil Sinclair-Parry the operator of the premises the following day and he was extremely apologetic explaining that it had been an accidental oversight on his part and that there had been some problems in recent months due to staff and family illness, at the same time acknowledging these matters were not an excuse.

I thereafter visited the premises and confirmed that all alcohol had been covered and signage had been implemented stating no alcohol could be sold at that time.

OFFICIAL

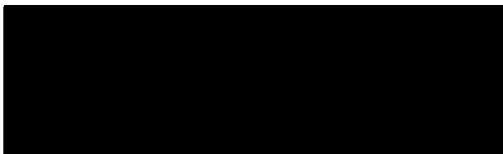
I did not believe it proportionate or necessary to take further police action at that time but explained in the strongest terms that any future breaches may lead to the matter being dealt with criminally.

I highlight the recent events to the board for their awareness and consideration.

Police Scotland are of the opinion that the responsibility for confirming the identity of the applicant, and the validity and current status of any Premises or Personal Licence (including details of any previous or existing suspensions, variations, written warnings or endorsements) quoted on the application form where it was issued in another Board area, rests with the Local Authority and the Licensing Board, not with the Police. When the Police receive such applications we will assume that these checks have been adequately conducted at the point of application and prior to the enquiry being submitted to Police Scotland.

This representation is submitted for your attention in consideration of this application.

Yours faithfully



Catriona Paton
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 654 5583.