

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

2b

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 10th February 2025

Subject: LICENSING (SCOTLAND) ACT 2005

OCCASIONAL LICENCE APPLICATION(S) – OCC0087-093/25

**THOMAS CHISHOLM, BUCK AND BIRCH, UNIT 9, MERRYFIELD BUSINESS CENTRE,
MACMERRY INDUSTRIAL ESTATE, TRANENT, EAST LoTHIAN, EH33 1ET**

The applicant is Thomas Chisholm who is a personal licence holder. Application has been made for 7 occasional licences for a retail premises at Buck and Birch, Macmerry, to allow on and off sales of alcohol. A provisional premises licence was granted for this premises on 30th March 2023 which will expire on 29th March 2027.

There are 7 applications for 2-week periods on a continuous basis from 28th February to 5th June 2025 for on and off sales daily at the times stated on the applications.

I refer the Board to Section 24.2 of the Statement of Licensing Policy:

24.2 Premises granted a provisional premises licence will only be permitted to sell alcohol when granted an occasional licence. Applications for occasional licences where there is a provisional premises licence, will be granted on delegated powers for a duration of 12 months. Following this period if the licence has not been confirmed the occasional applications will be required to be heard by the Licensing board and the applicant is expected to give an update on progress and an indication as to when the provisional premises licence will be confirmed. Should a report be received from the Licensing Standards Officer or Police at any time, the occasional licence application(s) will not be granted on delegated powers and will be required to be heard by the Licensing Board.

The premises has been operating on occasional licence applications on a continuous basis since May 2020. Occasional licences have been used for a period of nearly 2 years since obtaining the provisional premises licence. I feel these should be reviewed by the licensing board and not granted on delegated powers as per board policy above due to the duration of use. There has been no update as to progress towards confirmation of the provisional premises licence submitted to the Licensing Board.

Occasional licences for this premises were last heard at the Licensing Boards in August and October 2022 following which a provisional premises licence was applied for and granted.

Licensing Standards Officer

Licensing

From: Stephen Gibson <Stephen.Gibson@scotland.police.uk>
Sent: 30 January 2025 13:57
To: Licensing
Subject: OCC087/25 - OCC LIC APP - BUCK & BIRCH 28/02/25-13/03/25
Attachments: OCC087.25 - 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.

Afternoon

No police objections

PSOS ref 895062

regards

stephen

57010.

OCC 087/25.

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

28th February to 13th March '25.

REFERRAL NOTES FOR COMPLETING APPLICATION FORM:-

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.

East Lothian Council
Licensing
28 JAN 2025
Received

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)	EL2283
Name of voluntary organisation (if applicable)	

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr			
Surname	Chisholm Engstrom		
Forenames	Thomas Robert		
DATE OF BIRTH	Day	Month	Year
	[REDACTED]		
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
[REDACTED]			
Post town	[REDACTED]	Post code	[REDACTED]
TELEPHONE NUMBERS [REDACTED]			

Daytime	
Evening	
Mobile	██████████
FAX NUMBER	

E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)
 orders@buckandbirch.com

3. THE PREMISES

Description of premises
 A single storey unit in Merryfield Business Centre, consisting of bonded production facility and warehouse with separate office space and reception room

Description of activities to be carried on in the premises – (including number of persons expected to attend)
 A retail shop in our bonded production facility selling our alcoholic liqueurs, spirits and cocktails. Complimentary samples may be offered to visitors but no drinks will be sold to consumed on the premises.
 All alcoholic sales would be off sales only and not consumed on the premises.
 A license has previously been granted for similar activity at the premises mentioned
 Paid for distillery tour & tasting events, each tasting event will be a max of 10ppl, guests will receive small samples of our liqueurs & spirits along with wild canapes. Tasting times 12:00-13:30 & 15:30-17:00, 18:00-19:30. Fulfillment of online orders, all items sent with approved courier who requires signature on delivery.

Full postal address of premises which this application refers to
 Buck & Birch Ltd
 Unit 9
 Merryfield Business Centre
 Macmerry Industrial Estate
 Tranent
 EH33 1ET

4. DURATION OF LICENCE

From: 28/02/2025
To: 13/03/2025

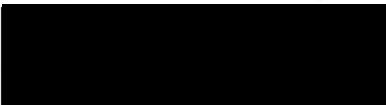
5. Is alcohol to be sold on & off the premises YES/NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate

Times for sale of alcohol for consumption on premises	Times for sale of alcohol for consumption off premises
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Mon - Sun 12:00 - 19:30	Mon to Sun 10:00 - 19:30
Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises Mon to Sun 10:00 - 19:30	

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 (if answered yes the remainder of this section must be completed)	
Ages of children or young persons permitted entry Any age for shopping only accompanying a parent or guardian for retail purposes. No underage people at tasting events	Times at which children or young persons permitted entry Mon - Fri 10am - 6pm (ONLY UNDER SUPERVISION OF PARENT/ GUARDIAN) only for the purposes of retail
Parts of premises to which children or young persons permitted entry RETAIL SPACE only. No under 18s at tasting events	

7. CHECKLIST	
I have - Please tick for yes	
<ul style="list-style-type: none"> Made or enclosed payment of the fee for the application 	

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.	
	DATE 01/11/2024

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

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>Retail shop selling our range of cocktails and liqueurs for off sales consumption. Small samples provided at 18+ tasting events.</p> <p>(a)</p> <p>(b)</p> <p>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>20 people per day</p> <p>Having asked potential customers if/ when they would visit</p> <p><input type="checkbox"/> Under 18</p> <p><input type="checkbox"/> 18 - 30</p> <p><input checked="" type="checkbox"/> 30 - 50</p> <p><input type="checkbox"/> over 50</p> <p>Ticked event, with tickets purchased at least two days in advance.</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>0</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) NA</p> <p>(b) NA</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) No</p> <p>(b) No</p> <p>(c) Attached</p>
<p>5. <u>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>	

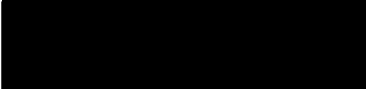
6. Will alternatives to glass receptacles be provided?	NA
7. To what standard those serving alcohol be trained? Please provide details of any training certificate held	All staff have are qualified to serve and sell alcohol. Mandatory two hour training undertaken upon hiring.

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?	As only small samples of alcohol will be served or consumed at the premises there should be minimal risk of and crime or disorder taking place. Non-alcoholic options for designated drivers.
9. How will you secure Public Safety at the event?	Fire exit training upon arrival Provision of First Aid boxes
10. How will you prevent Public Nuisance at the event?	There will be no music or entertainment to cause any noise pollution and being on an industrial estate away negates any risk of upsetting residents

<p>11. How will you promote and protect Public Health at the Event?</p>	<p>All guidelines and regulations relating to COVID and other health issues will be upheld.</p> <p>There will be hand washing facilities in place and staff will wear appropriate PPE.</p> <p>Numbers will be limited to ensure social distancing rules will be adhered to.</p>
<p>12. How will you protect Children from Harm at the Event?</p>	<p>Any children present will be accompanied by a parent/ guardian at all times, only in retail setting.</p> <p>No children, or underage persons, allowed in an over 18+ tasting event.</p> <p>Ask 25 policy enacted.</p>

<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>Date 01/11/2024</p>	