

**EAST LOTHIAN**

**Meeting 24 March 2016 at 10:00am in Council Chambers, Town House, Haddington, East Lothian**

**Licensing (Scotland) Act 2005**

<b>Provisional(s)</b>	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
4	10-12 COURT STREET 10-12 COURT STREET HADDINGTON EAST LOTHIAN EH41 3JA	MEUCCI LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	27 January 2016	
5	PANS CONVENIENCE STORE 5 HAWTHORN ROAD PRESTONPANS EH32 9QW	ABDUL KAREEM NADEEM C/O YOUNG & PARTNERS 1 GEORGE SQUARE CASTLE BRAE DUNFERMLINE KY11 8QF	18 February 2016	

EL 334

**EAST LoTHIAN LICENSING BOARD**

**APPLICATION FOR PROVISIONAL PREMISES LICENCE**

**Licensing (Scotland) Act 2005, section 20**

**APPLICANT INFORMATION** *Licensing (Scotland) Act 2005, section 20(1)*

**Question 1**

*Name, address and postcode of premises to be licensed.*

10-12 Court Street  
Haddington  
East Lothian  
EH41 3JA

**Question 2**

*Particulars of applicant*

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode and telephone number.*

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

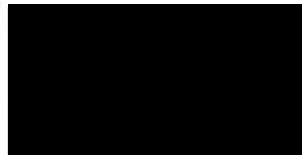
Meucci Ltd  
2 Lanark Road  
Edinburgh  
EH14 1TQ

Company Registration No. SC517963

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\**

Franco Cucchi



Contact:



**\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

**Question 3**

*Previous applications*

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?* *NO*

*If YES – provide full details*

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**Question 4**

*Previous convictions*

4 <i>Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	<i>NO</i>
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*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

<i>Name &amp; position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

(1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

**DESCRIPTION OF PREMISES** *Licensing (Scotland) Act 2005, section 20(2)(a)*

**Question 5**

5. *Description of premises (where application is submitted by a members' club, please also complete question 6)*

Café/bistro in commercial unit situated on Court Street, Haddington.

**Question 6**


6 *To be completed by members' clubs only*

<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	YES/NO*
<i>* Delete as appropriate</i>	

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this Application are true to the best of my knowledge and belief.

Signature .....  (see note below)

Date ..... 26/1/16 .....

Capacity ..... AGENT

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

Telephone number and email address of signatory... 0131 229 6181, [alistair@macdonaldlicensing.com](mailto:alistair@macdonaldlicensing.com)

AMENDED 15/2/16

## EAST LoTHIAN LICENSING BOARD

### OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

*Name, address and postcode of premises to be licensed.*

10-12 Court Street  
Haddington  
East Lothian  
EH41 3JA

#### Question 1

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<b>NO</b>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<b>NO</b>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<b>YES</b>
<i>*Delete as appropriate</i>	

#### Question 2

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Tuesday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Wednesday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Thursday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Friday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Saturday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Sunday</i>	<b>11:30am</b>	<b>10:00pm</b>

**Question 3**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Tuesday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Wednesday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Thursday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Friday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Saturday</i>	<b>11:30am</b>	<b>10:00pm</b>
<i>Sunday</i>	<b>11:30am</b>	<b>10:00pm</b>

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<b>YES</b>
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*\*If YES – provide details*

<p>Would like to take advantage of any general extensions granted by the Board, and may apply for extensions for certain events and occasions.</p>
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**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <i>5(a)</i> <i>Activity</i>	<b>COL. 2</b> <i>Please confirm</i> <i>YES/NO</i>	<b>COL. 3</b> <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<b>COL. 4</b> <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO

<i>5(b) Activity</i> <i>Social functions</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	YES

<i>5(c)</i> <i>Activity</i> <i>Entertainment</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<i>Live performances –</i> <i>see 5(g)</i>	NO	NO	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	YES	YES	YES



<i>5(d)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Outdoor drinking</i> <i>facilities</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>

<i>5(e)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Adult entertainment</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>

*Where you have answered YES in respect of any entry in column 4 above, please provide further details below.*

The premises may open from (6am) for the provision of snacks, breakfasts etc. but no alcohol will be sold or supplied outwith Licensed Hours

Activities answered 'yes' in column 4 may take place during Seasonal Variations, during the period referred to the above, with the benefit of an extension of permitted hours.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Takeaways (within Licensed Hours)
Outside Catering
Tastings
Tutorials

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<b>YES</b>
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

Children and Young Persons are welcomed onto the premises.  
Children will be required to be accompanied by an Adult.

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

No Restrictions (0 – 17 years)

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

No Restrictions

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

Children and Young Persons will have access to all public areas.

**Question 7**

**CAPACITY OF PREMISES**

What is the proposed capacity of the premises to which this application relates?

38

**Question 8**

**PREMISES MANAGER** (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) Name

8(b) Date of birth

8(c) *Contact address*

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8(d) *Email address and telephone number*

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8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature ..... \* (see note below)

Date .....

Capacity ..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory .....

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

## **Supporting Statement**

**Meucci, 10-12 Court Street, Haddington, EH41 3JA**

**Applicants: Meucci Ltd**

This is an Application for premises that were previously the Procurator Fiscal's Office on Court Street, Haddington, just round the corner from the Council Offices! Our client, Franco Cucchi, is from a well-known Italian family in the east of Scotland and already operates several restaurants within the Board's area.

They do not consider it to be the type of business that will cause any issues.

Full and Part time jobs will be created by this business.

It is considered that Haddington suffers from a lack of good quality family orientated restaurants and this will help fill the gap.

The position under the Statement of Licensing Policy with regard to overprovision in East Lothian had been explained to our clients and their requirement to show how the granting of this Licence would not be prejudicial to the Licensing Objectives. Going through each of these in turn we would comment as follows:-

### **1. Preventing Crime and Disorder**

The Premises have obtained Planning Permission as a restaurant and will operate as such. The Application to be considered will determine whether or not our clients are allowed to sell the alcohol themselves or require to ask people to bring their own alcohol with them.

It is considered that the granting of the Licence under these circumstances does not prejudice this objective.

We think it would be generally accepted that restaurants in general do not cause the issues that other types of licensed premises might. People are seated, in a civilised environment, and often, certainly during the day and in the earlier part of the evening, in a family orientated environment. The possibility of unruly behaviour, we would suggest leading to disorderly conduct either within the premises or after patrons have left the premises, is relatively slim.

Notwithstanding this, our clients accept the fact that they have an obligation to create a suitable environment. That means an environment that is pleasant for the consumer and is therefore conducive to people behaving in a civilised manner. Standards of behaviour will be set and people not prepared to accept these, or contravening in any way, will be asked to leave.

That includes overconsumption of alcohol and unruly or unsocial behaviour.

## **2. Securing Public Safety**

These will be newly fitted premises and therefore there should be no possibility of danger or inconvenience to the public. Before Building Control sign it off they will have complied with the appropriate regulations. Public safety is paramount to our clients and the tables will be set out in such a way as to minimise possibilities of inconvenience to customers who may be disabled, elderly, or young.

Our clients would also wish their staff to work in a pleasant and safe environment.

## **3. Preventing Public Nuisance**

It would be expected to patrons to behave as they are leaving. If waiting for taxis outside, or indeed people smoking outside will be asked to take into account the interest of the neighbours and to keep their voices down, including when they are on the telephone!

Music will be played, but it is not envisaged that there should be any noise escape that would cause inconvenience.

There will be a CCTV system installed.

Issues which might be detrimental to the amenity of the immediate area were considered as part of the Planning Application. Our clients are fully aware of their responsibilities in this respect.

As part of this the Planning Permission was granted for operation between 11.30am and 10pm, presumably in order to minimise any potential issues in the neighbourhood. These hours are reflected in this Application.

Similarly, in terms of the Planning Application, there are provisions regarding the design and construction of plant and equipment, and safeguards with regard to the ventilation equipment. Again these should help to minimise public nuisance. Our clients will of course comply with these.

Our clients do not anticipate causing issues to the neighbourhood. Their other restaurants are in similar localities, and they are confident that they will not cause problems, but also if, by any chance, neighbours did have concerns, that they would be able to approach our clients and discuss them, with a view to the issues being remedied. Our clients are looking to the local community to be regular clientele and the last thing that they want to do is upset them!

One thing that they are aware of will be to monitor smokers. The pavement is not particularly wide at that point and they don't want smokers causing any sort of inconvenience to passers-by.

Basically, our clients are pro-active licensees and will react in an appropriate manner to any concerns expressed by the local community, of which they wish to be part.

#### **4. Protecting and Improving Public Health**

These will be food orientated premises, as will be appreciated, with the consumption of drink ancillary, but people in certain circumstances can consume too much, particularly perhaps if they have already consumed alcohol earlier. The behaviour of clients will be monitored to ensure overconsumption, which could be a danger to their safety as well, is minimised.

Staff will be trained as to the signs of people being drunk. It can sometimes be more difficult in a restaurant than in a bar because people are generally seated and it is perhaps only when they are leaving, or possibly visiting the toilet, that this is noticed.

Overconsumption of alcohol in Scotland is an issue and East Lothian Licensing Board have recognised this by their overprovision policy. Notwithstanding this, alcohol will be consumed in these premises whether a Licence is granted or not, and it is considered more appropriate for this to be regulated by a Licence, where the Board, the Licensing Standards Officers, and Licensing Police, are involved, rather than the unregulated BYOB. We would contend that granting the Licence will promote public health in this respect.

Our client's speciality will obviously be Italian wines, with some Italian beers as well. Liqueurs will be on offer.

#### **5. Protecting Children from Harm**

Our clients wish to have a very child friendly restaurant, where children and young persons can feel at home and parents enjoy bringing their families along.

Everything will be done to promote this.

With regard to underage drinking, this does happen in restaurants, perhaps parents attempting to provide their children with alcohol, when they are not of the appropriate age. This will be closely monitored and staff will be trained in this respect.

They will of course operate a Challenge 25 Policy, and indeed a Refusals/ Incidents Book.





**POLICE  
SCOTLAND**

Keeping people safe

Date: 8<sup>th</sup> February 2016

Your Ref:

Our Ref: J/LIC/3705/HB

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

The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith EH22 3AX

Tel: +44 (0)131 663 2855  
Fax: +44 (0)131 654 5507  
Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION  
APPLICATION FOR A PROVISIONAL PREMISES LICENCE  
APPLICANT: MEUCCI LTD, [REDACTED]  
PREMISES: 10-12 COURT STREET, HADDINGTON**

I refer to the above application and in terms of Section 21 (4) (a) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connect persons have been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence, committed out with the United Kingdom, in respect of the applicant or any connected persons.

In terms of Section 22 (1) (b) of the Licensing (Scotland) Act 2005:

It is pertinent to point out that this new application is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the overprovision statement.

I note that the applicant has requested 'Deliveries (which may include alcohol)' in the operating plan and would request that the applicant clarify in what circumstances this would take place as well as what process and preventative measures they will have to prevent the sale/access of alcohol to persons underage as well as to vulnerable adults in their own home.

There are no police objections to the grant of this licence.

Yours faithfully

PC Heather Bowsher  
Divisional Licensing Officer

## Elworthy, Debbie

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**From:** Alistair Macdonald [alistair@macdonaldlicensing.com]  
**Sent:** 14 February 2016 11:58  
**To:** Elworthy, Debbie  
**Cc:** LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk  
**Subject:** 10-12 Court Street, Haddington

Morning Debbie

Our clients have, after considering the police letter, decided that they will not do Deliveries. Do you want an amended Operating Plan with this Activity deleted?

Kind regards

Alistair I Macdonald  
Macdonald Licensing

Macdonald Licensing (Scotland) Limited (SC388451)  
21a Rutland Square  
Edinburgh  
EH1 2BB

LP182 Edinburgh 2

Tel: 0131 229 6181  
Fax: 0131 221 1282  
[www.macdonaldlicensing.com](http://www.macdonaldlicensing.com)

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# **EAST LoTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

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**Date: 29<sup>th</sup> February 2016**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PROVISIONAL PREMISES LICENCE APPLICATION**

**10 – 12 COURT STREET, HADDINGTON, EAST LoTHIAN EH41 3JA**

I refer to the above subject and can confirm that the Provisional Licence application in respect of the old Procurator Fiscal's Office has been assessed, in line with the requirements of the Licensing (Scotland) Act 2005, and is in order.

It is worthy of note that the applicant has two other licensed restaurants in North Berwick, both of which are well run and no complaints have been received by Licensing Standards in relation to any aspect of the premises operation.

I have no objections to the granting of this application.

R. Fruzynski  
Licensing Standards Officer