

EAST LOTHIAN

Meeting 26 May 2016 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
3 GIANCARLO'S 119 HIGH STREET TRANENT EH33 1LW	PACITTI LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	7 April 2016	



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Date: 14th April 2016

Your Ref: EL328

Our Ref: J/LIC/3705/HB

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

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
GIANCARLO'S, 119, HIGH STREET, TRANENT
PACITTI LTD, [REDACTED]**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of an amendment to the operating plan to allow outside drinking as an activity and an amendment to the layout plan showing the outside area as part of the licensed premises.

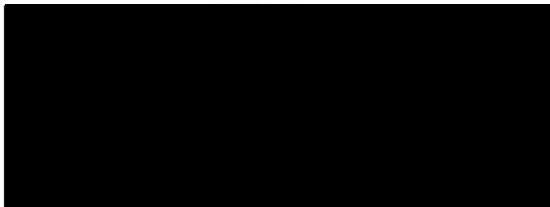
In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

I would request that any use of the outside area terminate at 2200 hours, due to the close proximity of neighbouring residential properties.

Any increase in licensed area is also 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 variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in considering this application.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquires please contact the Licensing dept on 01620 826 147

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 13 May 2016

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE VARIATION APPLICATION

GIANCARLO'S, 119 HIGH STREET, EAST LoTHIAN EH33 1LW

I refer to the above subject and can confirm that the variation application in respect of Giancarlo's restaurant has been assessed, in line with the requirements of the Licensing (Scotland) Act 2005, and is in order.

The premises are a popular new dining facility on Tranent High Street, which has attracted no licensing issues since opening in August 2015.

I would recommend that this licence be granted by the Board to follow the conditions of the tables and chairs permit issued by East Lothian Council Transportation Division in April 2016, as shown in the attached document.

R. Fruzynski
Licensing Standards Officer

EAST LOTHIAN COUNCIL
DEPARTMENT OF SERVICES FOR COMMUNITIES
TRANSPORTATION DIVISION

**CONSENT FOR THE OCCUPATION OF THE FOOTWAY WITH
TABLES AND CHAIRS OUTSIDE LICENSED PREMISES**

To: Mr Giancarlo Pacitti [REDACTED]

I refer to your recent letter and application to place and tables and chairs on the footway outside Giancarlo's Italian Restuarant for the 2016/17 Season.

East Lothian Council as Roads Authority for the purposes of the Roads (Scotland) Act 1984 for East Lothian having considered the application by Mr Giancarlo Pacitti grant consent under Section 59 of the Roads (Scotland) Act 1984 to the above named for occupation of a defined area of the footway with tables and chairs outside the Giancarlo's Italian Restuarant

The following conditions are attached to this consent and must be complied with:

1. The consent is only valid until 30 April 2016. If you wish to place tables and chairs on the footway in future years you must re-apply to the Head of Infrastructure for consent.
2. East Lothian Licensing Board have confirmed that the license for the premises includes the area identified in this consent
3. I can confirm receipt of a signed and dated report confirming the condition of the building structure and constructional elements over the intended external seating areas.
4. **The consent is for two defined areas measuring 2.37 x 4.70 metres and 7 x 3.4 metres as shown on the attached drawing and the occupation must not exceed this area.**
5. The tables and chairs must be removed daily from the footway by 21:00 hrs and not placed before 10:30 hrs.
6. No amplified music or speech shall be permitted outside the premises.
7. The area around the tables and chairs must be kept clean and tidy.
8. The proprietor of the food business shall comply with relevant Food Safety Legislation.

9. The proprietor of the food business shall comply with relevant Health & Safety Legislation.
10. The furniture to be used must be agreed with the Head of Infrastructure.
11. There is no obstruction to fire exits.
12. A minimum width of 1.5m must be available for the passage of pedestrians and emergency vehicular traffic.
13. The consent holder must delineate the limits of the area allowed to be occupied and shown on the attached drawing to the satisfaction of the Head of Infrastructure and retain the tables and chairs in the area when in use. The delineation should take the same form as that used for protecting excavations in the road although they should be a plain colour (white or yellow).
14. No permanent fixings are to be placed on the footway.
15. Access to any Public Utility plant in the area occupied must be made available when required.
16. The consent is suspended if Public Utility works or roadworks are carried out in the area.
17. The consent holder shall indemnify the East Lothian Council as Roads Authority from and against all actions, claims, demands, costs, charges, losses and expenses of whatsoever kind of nature which may be brought or made against them or incurred by them in the occupation of the road granted under the consent.
18. The Head of Infrastructure or Chief Constable can suspend or terminate the consent at any time.
19. A charge of £200.00 has been levied with the issue of this consent to cover the cost of site inspections that will be made by Departmental Staff.

Date

Signed

On behalf of Head of Infrastructure

07 APR 2016

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

Received

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL328

2(b) Name and Address of Premises

Giancarlo's
119 High Street
Tranent

Post Code EH33 1LW

Phone No.

2(c) Full Name and Address of Current Licence Holder

Pacitti Ltd

Post Code EH7 5LA

Phone No.

Giancarlo

SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

To add Outside Drinking as an Activity.

3(c) Variation to the Layout Plan of the Premises Licence

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

To amend the Layout Plan showing the outside area as part of the licensed premises.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence

(e.g. Alteration to the description of the premises contained within the Premises Licence)

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
 - The licence has already been returned to the Board in respect of an earlier application for variation or transfer
 - Other (provide details)
-

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£150** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150 is enclosed.

Signature

[Redacted Signature]

(See note 5 below)

Date

5/4/16

Capacity: ~~APPLICANT~~ / AGENT (delete as appropriate)

If agent, please provide name, address, phone number and (if applicable) email address

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

Note 1:

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY		
<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

119 High Street Tranent East Lothian EH33 1LW
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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>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</i>
<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>	11.00am	23.00pm
<i>Tuesday</i>	11.00am	23.00pm
<i>Wednesday</i>	11.00am	23.00pm
<i>Thursday</i>	11.00am	01.00am
<i>Friday</i>	11.00am	01.00am
<i>Saturday</i>	11.00am	01.00am
<i>Sunday</i>	11.00am	00.00midnight

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>	11.00am	22.00pm
<i>Tuesday</i>	11.00am	22.00pm
<i>Wednesday</i>	11.00am	22.00pm
<i>Thursday</i>	11.00am	22.00pm
<i>Friday</i>	11.00am	22.00pm
<i>Saturday</i>	11.00am	22.00pm
<i>Sunday</i>	11.00am	22.00pm

Question 4

SEASONAL VARIATIONS

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

Would like to take advantage of general or special extensions granted by the Licensing Board, and may apply, on specific occasions, for extended hours, or example.

Question 5

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

COL. 1 <i>5(a)</i> Activity	COL. 2 <i>Please confirm</i> <i>YES/NO</i>	COL. 3 To be provided during core licensed hours – please confirm <i>YES/NO</i>	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm <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 including:</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	Yes	Yes	Yes
<i>Club or other group meetings etc.</i>	Yes	Yes	Yes
<i>5(c)</i> Activity <i>Entertainment including:</i>	<i>Please confirm</i> <i>YES/NO</i>	To be provided during core licensed hours – please confirm <i>YES/NO</i>	Where activities are also to be provided outwith core licensed hours please confirm <i>YES/NO</i>
<i>Recorded music – see 5(g)</i>	Yes	Yes	Yes
<i>Live performances – see 5(g)</i>	Yes	Yes	Yes
<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>	Yes	Yes	Yes
<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>	No	No	No

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

Activities may take place from 9am if the premises open for coffees, teas, snacks etc, but no alcohol would be sold until the commencement of core hours.

No activities will take place after core hours unless under the authority of an Extended Hours Application, during Seasonal Variations, or with the benefit of a Late Hours Catering Licence in the case of the sale of food.

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.

<p>Takeaways</p> <p>Deliveries</p> <p>Outside Catering</p> <p>Off sales – alcohol will only be sold with a takeaway meal</p>
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5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
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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>	YES
	<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*

The premises will be family friendly and children and young persons will be welcomed. Children will require to be accompanied by an adult in the restaurant. No restriction in the takeaway section.

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

No restriction (0-17 years).

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

No restriction, subject to management discretion.

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

All public areas.

Question 7

CAPACITY OF PREMISES

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

70 plus takeaways

Question 8

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

Personal details

8(a) *Name*

Mrs Natascia Pacitti

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address and telephone number*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
21st April 2015	City of Edinburgh Board	289903

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 5/7/16

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

*** 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.