

EAST LOTHIAN

Meeting 25 August 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
1	CUCINA AMORE 37-39 QUALITY STREET NORTH BERWICK EAST LOTHIAN EH39 4HR	CAMPANA SCOTLAND LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	19 July 2016	

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR 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.

Cucina Amore
37-39 Quality Street
North Berwick
East Lothian
EH39 4HR

01620 892 216

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.*

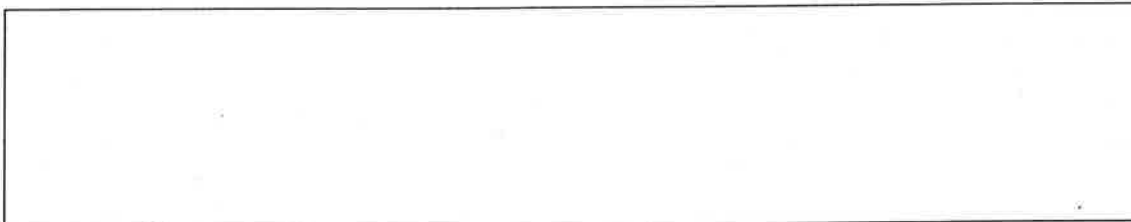
2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

Campana Scotland Ltd
2 Lanark Road
Edinburgh
EH14 1TQ

Company No. SC478768

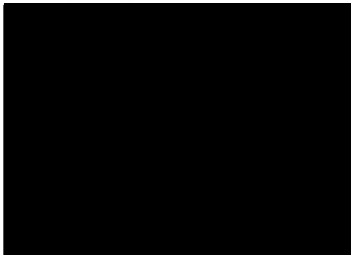
Franco Cucchi 

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



*** 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? YES/NO**

If YES – provide full details

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Question 4

Previous convictions

<i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	<i>YES/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 & 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)*

Bistro/ Restaurant located on ground floor of premises on Quality Street, North Berwick.

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>	<i>YES/NO*</i>
<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 18/7/16

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

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	X
<i>Layout plan</i>	X
<i>Planning certificate</i>	X
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

*** 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.

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (<i>INITIALS</i>)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

37-39 Quality Street
North Berwick
East Lothian
EH39 4HR

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

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>	11.00	23.00
<i>Tuesday</i>	11.00	23.00
<i>Wednesday</i>	11.00	23.00
<i>Thursday</i>	11.00	00.00
<i>Friday</i>	11.00	00.00
<i>Saturday</i>	11.00	00.00
<i>Sunday</i>	11.00	00.00

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

Question 4

SEASONAL VARIATIONS

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

To take advantage of general and specific extensions granted by East Lothian Licensing Board, such as Christmas/ New Year and special occasions.

Question 5

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

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<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>	YES	YES	YES

5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<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

5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> 5(g)	YES	YES	YES
<i>Live performances –</i> see 5(g)	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>	NO	NO	NO

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

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

With regard to those Activities answered “yes” in column 4, these may take place prior to the commencement of core hours, if the premises decide to open for breakfasts, snacks, teas and coffees etc but no alcohol will be sold until the commencement of core 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.

Deliveries
Takeaways
Outside Catering

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>	YES/NO*
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	YES/NO*
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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*

Children and young persons will be welcomed onto the premises. Children will require to be accompanied by an adult.

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.

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?

60

Question 8

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

Personal details

8(a) Name

Emilia Alice Cucchi

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address and telephone number

01620 892216


8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
9 th July 2015	City of Edinburgh Board	296481

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 18/7/10

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.

Date 26th July 2016



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Your Ref: EL338

Our Ref: J/LIC/3705/HB

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

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

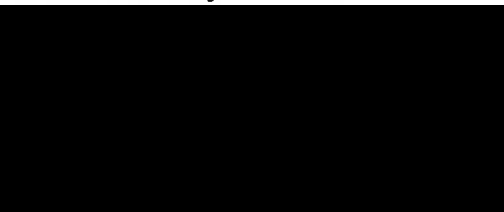
Dear Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
CUCINA AMORE, 37- 39 QUALITY STREET, NORTH BERWICK
CAMPANA SCOTLAND LTD**

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

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully



Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department 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: 20 Jul. 16

Subject: LICENSING SCOTLAND ACT 2005 - PREMISES LICENCE APPLICATION

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence.

I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act, and, therefore, have no objections to the granting of this application.

Premises Inspected:

Cucina Amore, 37-39 Quality Street, North Berwick, East Lothian EH39 4HR

It is relevant to note that under the previous Premises Licence in respect of this restaurant there were no adverse reports or complaints received by Licensing Standards concerning the operation of these popular and well run premises.

R. Fruzynski
Licensing Standards Officer

Supporting Statement

Cucina Amore, 37-39 Quality Street North Berwick East Lothian EH39 4HR

Applicants: Campana Scotland Ltd (Franco & Emilia Cucchi)

The Board may be confused about this Application, because back in 2012 they granted an Application for a Provisional Licence for these premises, which was subsequently Confirmed, and the premises have been operating since.

The problem arose due to the fact that the Premises Licence Holder under that Licence was dissolved (i.e. struck off the Register of Companies House). This is a matter that is not dealt with satisfactorily in the legislation and it is fair to say that it is dealt with differently in different parts of the country. The first question is whether the Licence is actually come to an end and most Boards, outwith Glasgow and the surrounding area, consider that it does not. They will therefore allow the Licence to be transferred.

A Transfer Application was lodged and when the background was discovered, the Police told our clients to stop selling alcohol and threatened to charge them. The decision as to how this matter had to be dealt with was therefore taken by the Police.

In those circumstances our clients had no option but to re-apply, but in the meantime they have, with the cooperation of the Board, been selling alcohol under Occasional Licences.

This therefore is simply a replacement for the previous Licence. Whereas in most situations for new Licences we require to present to the Board a scenario where our clients do not believe that they will infringe the Licensing Objectives, in this case we can say that our clients have a track record of nearly three years, where that can be proved to be the case.

The position under the Statement of Licensing Policy with regard to overprovision in East Lothian had been explained to our clients, and notwithstanding the fact that there was a Licence in place previously, that there is a 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 obtained Planning Permission as a restaurant will operate as such.

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. This

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

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

2. Preventing Public Nuisance

It would be expected that patrons to behave as they are leaving. That has been the case. 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 is played, but it is not envisaged that there should be any noise escape that would cause inconvenience, as there has not been in the past

There is a CCTV system installed.

4. Protecting and Improving Public Health

These are 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 are 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. This has not been an issue since they opened.

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 is Italian wines, with some Italian beers as well. Liqueurs will be on offer.

5. Protecting Children from Harm

Our clients operate 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 do of course operate a Challenge 25 Policy, and indeed a Refusals/ Incidents Book.