

EAST LOTHIAN

Meeting 23 February 2017 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Provisional(s)	Applicant	Date Received	Comments
Premises 1 CAFE/RESTAURANT 49A HIGH STREET MUSSELBURGH EH21 7AB	ANTONIO PARRAVANO C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	4 January 2017	

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.

49a High Street
Musselburgh
EH21 7AB

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.*

Antonio Parravano



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

Empty rectangular box for providing partnership details.

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

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.**

*** 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 & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>
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(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.

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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)*

<p>Café/Restaurant premises located in ground floor of building on High Street, Musselburgh</p>

Question 6

6 *To be completed by members' clubs only*

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

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 23/04/16

Capacity APPLICANT/AGENT (delete as appropriate)

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

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	<input checked="" type="checkbox"/>
<i>Layout plan</i>	<input checked="" type="checkbox"/>
<i>Planning certificate</i>	<input checked="" type="checkbox"/>
<i>Building standards certificate</i>	<input type="checkbox"/>
<i>Food hygiene certificate</i>	<input type="checkbox"/>

*** 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.

49a High Street Musselburgh EH21 7AB
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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	11.00pm
<i>Tuesday</i>	11.00am	11.00pm
<i>Wednesday</i>	11.00am	11.00pm
<i>Thursday</i>	11.00am	1.00am
<i>Friday</i>	11.00am	1.00am
<i>Saturday</i>	11.00am	1.00am
<i>Sunday</i>	11.00am	Midnight

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	10.00pm
<i>Tuesday</i>	11.00am	10.00pm
<i>Wednesday</i>	11.00am	10.00pm
<i>Thursday</i>	11.00am	10.00pm
<i>Friday</i>	11.00am	10.00pm
<i>Saturday</i>	11.00am	10.00pm
<i>Sunday</i>	11.00am	10.00pm

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*

Would like to take advantage of General Extensions granted by the Licensing Board and may apply for specific extensions when required.

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>	NO	NO	NO
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

<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 answered Yes in Column 4 may take place during periods of Extended Hours, granted by the Licensing Board or prior to the commencement of licensed hours, as the premises may open for breakfasts, snacks etc, but not earlier than 9.00am.

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 (which might include alcohol)
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>	<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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**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>	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 except Children over 11 (ie. secondary school) who do not require to be accompanied before 5.00pm.

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*

Children will require to vacate the premises by (10.00pm) subject to management discretion. There will be no restriction on Young Persons.

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?

35.

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*

8(d) *Email address and telephone number*

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 23/04/16

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.

Date 12th January 2017



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

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

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
DAL PATIÑO, 49A HIGH STREET, MUSSELBURGH, EAST LOTHIAN
ANTONIO PARRAVANO**

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 the applicant has not been convicted of any relevant offence.

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

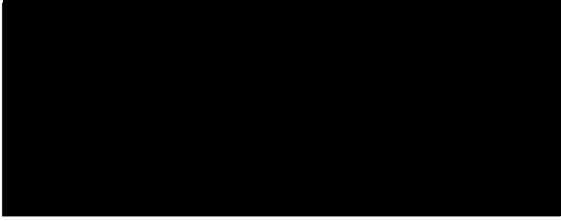
In terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005:

I would seek to clarify with the applicant/agent their request for 'outdoor drinking facilities' and deliveries (which might include alcohol). Having spoken to the applicant it would appear that outdoor drinking and alcohol deliveries is not part of his business plan and therefore would request that the application be amended to reflect this.

It is also pertinent to point out that this 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.

Submitted for your consideration. There are no police objections.

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: 11 January 2017

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION – JANUARY 2017

DAL PATINO, 49A High Street, Musselburgh, East Lothian EH21 7AB

I refer to the above subject and can confirm that the above premises, formerly known as Cafe Borsa, has been visited and the applicant interviewed concerning his provisional premises licence application. I am satisfied that the Operating and Layout Plans are in accordance with the Act.

The premises will operate as a small Italian restaurant with a capacity of 35 persons. It is also proposed to provide a takeaway food service. The applicant confirms that no alcohol will be served with takeaway orders and that deliveries of food and alcohol is not part of his business plan. However, the request for off-sales facility will allow diners to takeaway any partially consumed bottles of wine.

The applicant proposes to locate 2 - 4 tables on the public foot path area outside the premises in the summertime. The area is quite suitable for this purpose, but use will be subject to gaining the necessary Tables and Chairs Permit from East Lothian Council, Transportation Division.

I can confirm that the mandatory site notice in respect of this application was correctly displayed at the time of my visit to the premises.

The application is subject to Part 4 of the Licensing Board's 'Statement of Licensing Policy 2013 – 2016' in respect of overprovision. I have however, no objections to the grant of this application.

For the information of the Licensing Board the following is a list of existing licensed premises in the locality of High Street Musselburgh:

Fine Wine Company Ltd, 25 High Street – Off-sales
Musselburgh News, 53 High Street – Off-sales
Sportsmans Bar, 58 High Street – On consumption & Off-sales
Shish Mahal Restaurant, 63A High Street – On Consumption

The Tollbooth Cafe Restaurant, 63D High Street – On consumption & Off-sales
The Stand, 72-74 High Street – On consumption (currently closed for conversion to a restaurant)

The Dragon Way, 81 High Street - On consumption

Habaneros, 83 High Street – On consumption & Off-sales

Coach and Horses, 110 High Street – On consumption & Off-sales

Day Today, 121 High Street – Off-sales

R.S. McColl, 160 High Street – Off-sales

Caprice Restaurant, 198 High Street – On consumption

Musselburgh Auction Rooms, 163 High Street - subject of a current Provisional Premises Licence application for on and off consumption

R. Fruzynski

Licensing Standards Officer