

EAST LOTHIAN

Meeting 23 January 2020 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Request to Extend Provisional Premises Licence

Premises	Applicant	Date Received	Comment
5. 10 – 12 Court Street Haddington	10-12 Court Street Macdonald Licensing 21a Rutland Square Edinburgh	13 November 2019	Extension Request to Provisional Licence



REPORT TO: East Lothian Licensing Board

MEETING DATE: 23 January 2020

BY: Clerk of the Licensing Board

SUBJECT: Request to Extend Provisional Premises Licence, 10-12 Court Street, Haddington

1 PURPOSE

- 1.1 To advise Members of a request made in terms of section 45(7) of the Licensing (Scotland) Act 2005 (“the Act”) to extend the period of a provisional premises licence in respect of premises at 10-12 Court Street, Haddington.

2 RECOMMENDATIONS

- 2.1 That East Lothian Licensing Board considers whether to grant the request to extend the period of effect of the provisional premises licence, and if minded to grant, to determine the appropriate period of the extension.

3 BACKGROUND

- 3.1 In terms of section 45 of the Act, a provisional premises licence granted by the Board does not take effect until confirmed. If the provisional premises licence is not confirmed by the period ending 4 years from the date of issue, it is treated as being revoked.
- 3.2 On the application of the holder of a provisional premises licence made before the expiry of the 4 year period, the Licensing Board can extend the provisional period by such period as it considers appropriate if it is satisfied that:
- (i) completion of the construction or conversion of the premises has been delayed; and
 - (ii) the delay has been caused by factors out with the licence holder’s control.

3.3 The provisional premises licence in respect of the premises at 10-12 Court Street, Haddington, was originally granted by the Licensing Board on 24 March 2016.

3.4 The premises are described as a café/bistro in a commercial unit situated in Court Street, Haddington. If confirmed, the premises licence will have a maximum capacity figure of 38 persons, with licensed hours for the sale of alcohol on and off the premises being 11.30am to 10pm, Monday to Sunday.

4 POLICY IMPLICATIONS

4.1 None

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – none

6.2 Personnel – none

6.3 Other – none

7 BACKGROUND PAPERS

7.1 Application for provisional licence to East Lothian Licensing Board, 24 March 2016.

AUTHOR'S NAME	Kirstie MacNeill
DESIGNATION	Clerk to the Licensing Board
CONTACT INFO	01620 827164 kmacneill@eastlothian.gov.uk
DATE	13 January 2020

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.*

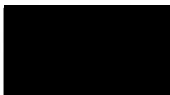
Meucci Ltd
2 Lanark Road
Edinburgh
EH14 1TQ

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

<i>4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)</i>	NO
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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.

<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	

**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:

Meucci Ltd

NAME AND
ADDRESS OF
PREMISES:

10-12 Court Street, Haddington

SECTION 50 PLANNING CERTIFICATE

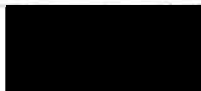
- I confirm that planning permission (ref: 15/00849/P) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.
- I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

- I confirm that planning permission (ref:.....) or outline planning permission (ref:.....) has been obtained in respect of the construction or conversion of the subject premises.
- I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License/Confirmation of Provisional License to cover the above proposals.

Signed:



Date:

25th January 2016

Neil Millar
Planning Officer

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
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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>	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
<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>	11:30am	10:00pm
<i>Tuesday</i>	11:30am	10:00pm
<i>Wednesday</i>	11:30am	10:00pm
<i>Thursday</i>	11:30am	10:00pm
<i>Friday</i>	11:30am	10:00pm
<i>Saturday</i>	11:30am	10:00pm
<i>Sunday</i>	11:30am	10:00pm

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>	11:30am	10:00pm
<i>Tuesday</i>	11:30am	10:00pm
<i>Wednesday</i>	11:30am	10:00pm
<i>Thursday</i>	11:30am	10:00pm
<i>Friday</i>	11:30am	10:00pm
<i>Saturday</i>	11:30am	10:00pm
<i>Sunday</i>	11:30am	10:00pm

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***

<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

COL. 1 <i>5(a)</i> Activity	COL. 2 <i>Please confirm</i> 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 <i>Social functions including:</i>	<i>Please confirm</i> 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 Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	YES
<i>Club or other group meetings etc.</i>	YES	YES	YES

5(c) Activity <i>Entertainment including:</i>	<i>Please confirm</i> 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 5(g)</i>	YES	YES	YES
<i>Live performances – 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>	NO	NO	NO

<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.

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)
Deliveries (which may include alcohol)
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>	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 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?

?

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

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

*** Data Protection Act 1998**

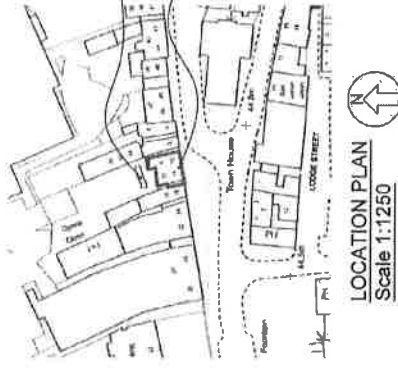
The information on this form may be held on an electronic public register which may be available to members of the public on request.

© david paton building consultancy
DO NOT SCALE FROM DRAWINGS, IF IN DOUBT ASK

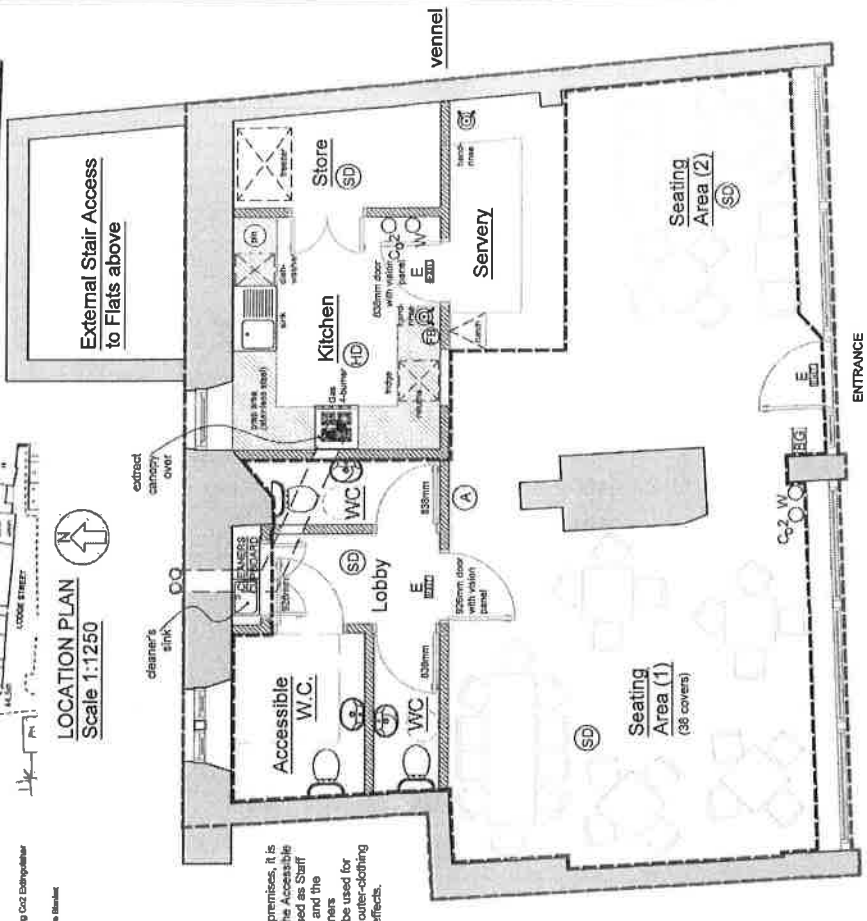
- KEY**
- (SD) Mains approved (protected supply), Mains supply, Meter, Consumer
 - (SD) Mains approved (protected supply), Mains supply, Meter, Consumer
 - (E) Directional illuminated Emergency Exit sign
 - (E) Exit
 - (K) Break glass point
 - (A) Audible fire alarm
 - (W) 8 litre water extinguisher
 - (C) 8kg CO2 extinguisher
 - (PB) Fire Blanket

PLAN APPROVED
REF: ELSS14
DATE: 24/3/2016
CLERK

Application Premises:
10 - 12 Court Street,
Haddington
EH47 1TQ



Note
Due to size of premises, it is intended that the Accessible W.C. will be used as Staff changing area and the Lockable Cleaners Cupboard will be used for the storage of outer-clothing and personal effects.



PROPOSED FLOOR LAYOUT
Scale 1:50



david paton building consultancy
13 High Street, Loanhead, Midlothian, EH20 9RH.
TEL : 0131 440 1213
e-mail : davidpatonb@btconnect.com
www.davidpatonb.co.uk
Established in 1981

Project:
Drinks License for Bistro at
10-12 Court Street
Haddington
EH47 1TQ
for: Meucci Ltd
Date: January 2016

Drawing Title:
Floor Layout
& Location Plan

Drawing No.:
15-60-DL01

Scale: 1:50 Drawn: SM
Revision:

Maree Winter
Democratic & Licensing Services
East Lothian Council
John Muir House
DX - 540741
Haddington

12 November 2019
Our Ref: M124/1

Dear Maree

10-12 Court Street, Haddington

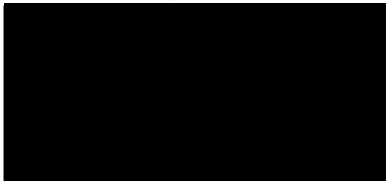

I refer to recent correspondence and the Provisional Premises Licence for the above premises. This was granted on 24 March 2016 and therefore is due to expire on 23 March 2020.

We would like to request an extension to the Provisional Premises Licence, under Section 45(7) of the Licensing (Scotland) Act 2005. As the March 2020 Board would be too late, and we would rather not leave it until the last Board that it can be considered at, we would be obliged if this matter could be considered at your Board Meeting on 30 January 2020.

As you will appreciate, since obtaining this Provisional Premises Licence, it has been our clients desire to complete the work and open to the public as soon as possible. This is a massive investment, and is seriously over-budget and behind schedule.

I am awaiting a detailed summary, from the architect, as to the reasons for the delay here which I will pass to you prior to the Hearing. An update will also be given just before the meeting.

Could you please acknowledge receipt and confirm that this will be placed on the Agenda for the January 2020.



Alistair I Macdonald
Director

East Lothian Council
Licensing

13 NOV 2019

Received

Winter, Maree

From: Fruzynski, Rudi
Sent: 06 January 2020 13:52
To: Winter, Maree; Lothian Scot Borders Licensing East Mid Lothian
Subject: RE: Report for request for extension to provisional licence

I think I would like some additional information on the following before commenting on this application:

- Why has there been a delay in completion and opening of these premises.
- What now is the anticipated timescale for opening.
- Will there be any changes to the original provisional licence operating and layout plan.

Kindest wishes

Rudi

Rudi Fruzynski
Licensing Standards Officer
Accredited Paralegal
East Lothian Council



01620827363

From: Winter, Maree <mwinter@eastlothian.gov.uk>
Sent: 06 January 2020 13:02
To: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk>; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>
Subject: Report for request for extension to provisional licence

Hi

Don't know if I sent this to you or not, but please see attached, do you have any objection to an extension to the provisional licence for 10 – 12 Court Street, Haddington being given.

Kind regards
Maree.

Maree Winter

**Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:
Haddington: EH41 3HA
01620 827867
mwinter@eastlothian.gov.uk**

Winter, Maree

From: Banks, Colin <Colin.Banks@scotland.pnn.police.uk>
Sent: 08 January 2020 10:07
To: Winter, Maree
Subject: RE: Report for request for extension to provisional licence [OFFICIAL]

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.

OFFICIAL

Maree,

Nothing adverse from Police, noted Rudis Comments

Colin

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 06 January 2020 13:02
To: Lothian Scot Borders Licensing East Mid Lothian; Fruzynski, Rudi
Subject: Report for request for extension to provisional licence

Hi

Don't know if I sent this to you or not, but please see attached, do you have any objection to an extension to the provisional licence for 10 – 12 Court Street, Haddington being given.

Kind regards
Maree.

Maree Winter
Licensing Officer: Democratic & Licensing Services: East Lothian Council: John Muir House:
Haddington: EH41 3HA
01620 827867
mwinter@eastlothian.gov.uk



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This email and any files transmitted with it are confidential and

Winter, Maree

From: Tabbi McGhee <tabbi@macdonaldlicensing.com> on behalf of Alistair Macdonald <alistair@macdonaldlicensing.com>
Sent: 08 January 2020 16:09
To: Winter, Maree
Cc: Fruzynski, Rudi
Subject: 10-12 Court Street, Haddington - Request to Extension Provisional Licence

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.

Dear Maree and Rudi

I refer to your respective emails of 6 January.

I asked Franco Cucchi for a bit more information. Apparently initially he entered into a contract with a firm of Builders, but the Building Warrant took longer to obtain than they anticipated and he wouldn't allow the Builders to start until it had been granted. They then decided that they couldn't wait any longer, terminated the contract, and took up another job. When the Building Warrant came through, they weren't available.

It was understood that they would return so he didn't employ anybody else. There was then an issue with 3 phase supply, which took over four months to sort out, and Franco's recollection is that there was an issue with the extractor system from Planning.

The original Builders were not available then.

The next contractor was not up to the job, but the current firm are satisfactory and everything is coming together.

It is hoped that the premises will open 'early this year' but no definite date, taking into account the history here, has been mentioned.

It is not envisaged that there will be any changes to the Layout Plan. Nor will a change to the Operating Plan be required.

I will obtain a further update just before the Hearing.

Kind regards

Alistair I Macdonald
Macdonald Licensing

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

DX Edinburgh 561

Tel: 0131 229 6181

Fax: 0131 221 1282

www.macdonaldlicensing.com

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