

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 13th November 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

GIANCARLO'S, 119 HIGH STEET, TRANENT, EAST LoTHIAN EH33 1LW

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On 8th November 2023, I received intimation in terms of Section 38(3)(b) of the licensing (Scotland) Act 2005 of the intention of the Licensing Board to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act, I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

Premises Licence Review

**Giancarlo's
119 High Street, Tranent, East Lothian EH33 1LW**

Licensing Board November 2023

Licensing Standards Officer's Report

In 2015 Pacitti Ltd was granted a Premises Licence in respect of the above restaurant.

On 31st July 2023 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2023. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 9th October and 2nd November 2023, the Clerk to the Board sent additional letters of reminder to the premises address and licensing agent. No response was received.

On 10th October 2023 the Licensing Standards officer hand delivered and additional letter of reminder to the premises. The premises was closed and the letter was posted through the door.

The premises have been closed since May 2023 and there has been no contact from the premises licence holder in over a year.

By the time of the Licensing Board meeting, on 27th October 2023, payment of the mandatory annual fee had still not been made. As a consequence, the Licensing Board instructed that a review of the Premises Licence would take place.

On 2nd November 2023, the Clerk to the Board sent another letter of reminder to the premises licence holder's address. No response was received.

On 8th November 2023, the Clerk to the Board sent a letter to the licensee with a further reminder that they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence they would require to make payment of the outstanding fee and also appear at the Licensing Board on 23rd November 2023 to explain the reason for the stated breach of licence.

By 13th November 2023, no payment had been received from the licensee.

Since 2015 the premises licence annual fee has been paid on the following dates:

22/10/2015

27/10/2016

17/11/2017

15/11/2018

30/09/2019

05/10/2020

22/10/2021

02/11/2022

Only once in 8 years has the fee been paid on time prior to 1st October.

Licensing Board's Powers on Review

Licensing (Scotland) 2005 Section 39 (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

(2) Those steps are—

(a) to issue a written warning to the licence holder,

(b) to make a variation of the licence,

(c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

(3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

Licensing Standards Officer

