

◆ EDINBURGH ◆

LICENSING BOARD

MINUTES OF MEETING

MONDAY 29th AUGUST 2016

Members present: Councillors Eric Milligan (Convener); Jeremy Balfour; Gavin Barrie; Chas Booth; Mike Bridgman; Nick Cook; Cammy Day; Vicki Redpath; Norman Work

Apologies: Councillor David Walker

Police Officers: Sergeant John Young; Constable Lynsey Claxton

Council Officers present: Colin Baxter (Licensing and Trading Standards Manager); Ken Fairgrieve (LSO); Muir Somerville (Building Standards Team Manager); Colin McCulloch (Building Standards)

Depute Clerk: Morag Leck; Nick Fraser (item 6)

1. Minutes of meeting of 1st August 2016 for approval

The minutes of the Board's meeting of 1st August 2016, together with the decision list from that meeting, were presented for approval.

Decision: Minutes approved.

2. Gambling Act 2005 – Applications for Licensed Premises Gaming Machine Permits (More than 2 Category C/D Machines)

The Board considered two applications for Licensed Premises Gaming Machine Permits.

Decision: Details of the decisions for each application are as set out in the list attached to these minutes.

3. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list

The Board considered eight applications for variation of existing premises licences, two applications for transfer and variation of existing premises licences, seven applications for new provisional premises licences and six applications for personal licences, the decisions for which are as detailed in the list appended to these minutes.

Declarations of interest: None

Divisions:

New Premises Licence application – 57 Constitution Street, Edinburgh

All statutory references to Licensing (Scotland) Act 2005, unless stated otherwise

Councillor Booth, seconded by Councillor Balfour, moved that consideration of the application be continued for one month with the police to be requested to provide an antisocial behaviour report.

Councillor Milligan, seconded by Councillor Bridgman, moved that the application be granted subject to the amendments made by the applicant and with conditions as agreed.

Following a division the Board agreed to grant the application.

Decision: Details of the decisions for each application are as set out in the list attached to these minutes.

NHS Lothian representations: None

4. Premises Licence Update Report – The Hive, 15-17 Niddry Street, Edinburgh

The Board received update reports from Police Scotland and the Council's Licensing Standards Officers, on the operation of The Hive premises. Michael McDougall was present on behalf of the licence holder.

The Board noted that no concerns had been raised about the operation of the premises, but agreed it would be appropriate to request a further set of reports, for consideration at its November meeting.

Decision: Police and LSO update reports to be provided for consideration at the Board meeting on 28th November 2016.

5. Premise Licence Update Report – The Victoria Bar, 25-27 Causewayside, Edinburgh

The Board received update reports from Police Scotland and the Council's LSOs on the operation of The Victoria Bar. Stephen McGowan was present on behalf of the licence holder.

The Board noted that no concerns had been raised about the operation of the premises. On the basis that the original request for reports had been made on the basis of a one-off six month update, the Board agreed that no further action would be required.

Decision: noting the terms of the update reports, no further action required.

6. Consultation on Policy on Amplified Music in Licensed Premises

The Depute Clerk narrated the terms of a report, advising in detail of the conclusion of the Board's consultation on the terms of its policy on amplified music and vocals in licensed premises. The report provided:-

- (1) A summary of the Board's current policy and the context within which it operated;

- (2) Information about the extent of the consultation carried out and the responses received;
- (3) Options available to the Board, having regard to the terms of the consultation;
- (4) Details of the next steps requiring to be taken in the event that the Board decided to amend its current policy

Following initial discussions by the Board about the consultation, the view was expressed that it would be beneficial to hold a hearing to enable those who had submitted responses to present the terms of their responses to the Board. On that basis the Board agreed to invite the following:-

- Community councils
- Councillors
- Representatives from the Music is Audible Working Group
- Licensing Forum
- Constituted organisations
- Council officers – Culture and Sport; Licensing (Place)

to a hearing, date to be confirmed. The hearing would proceed on the basis of examining in more detail the representations which had already been made to the consultation.

Decision: The Board agreed to continue consideration of the recommendations; that a date should be fixed for a hearing; that the particular consultees as listed above would be invited to attend the hearing; that the hearing would proceed on the basis of representations already made in writing to the Board. The Board agreed that the hearing should be restricted to those who had responded to the consultation.

7. Arrangements for Joint Meeting of Licensing Board and Licensing Forum

The Board was advised of the requirement for a joint meeting to be held between the Licensing Board and Licensing Forum, and agreed that it would be necessary to set a date for that meeting to proceed.

Decision: The Board agreed that arrangements should be made for the joint meeting to be held, at a date to be agreed in due course.

Councillor Eric Milligan
Convener of the Licensing Board

DECISION LIST - 29th AUGUST 2016

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
VARIATION OF PREMISES LICENCE APPLICATIONS

29 AUGUST 2016

| No | Reference | Applicant | Agent Details | Premises | On Sale | Off Sale | On & Off Sale | Remarks | Decision |
|----|-----------|---------------------------|--|--|---------|----------|---------------|--|--|
| 1. | 334461 | Leith Academicals RFC | Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB | Leith Academy, 20 Academy Park, Edinburgh, EH6 8JQ | Yes | No | Yes | Increase on sale hours, add off sales, add seasonal variations, bar meals, live performances, indoor/outdoor sports and outdoor drinking as activities, delete club conditions, amend children and young persons access, allow activities outwith core hours, appoint premises manager, change name of premises and substitute new layout plan | Continued for Site Visit |
| 2. | 335873 | Leith Dockers Social Club | Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB | 17 Academy Street, Edinburgh, EH6 7EE | Yes | No | No | To alter times for children and young persons, not attending a function so that under 5's must vacate the premises by 7pm and children aged 5-15 and young persons by 10pm | Granted Children & Young Persons to be accompanied at all times |

DECISION LIST - 29th AUGUST 2016

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|----|--------|--------------------------------|--|--|-----|-----|-----|--|---------------------------------------|
| 3. | 334814 | Punch Partnership Limited | TLT LLP 140 West George Street, Glasgow, G2 2HG | 58 Angle Park Terrace, Edinburgh, EH11 2JR | No | No | Yes | To extend children's access to 10pm when consuming a meal and add on live performances during core hours | Granted |
| 4. | 334581 | Inverleith Rugby Football Club | | 19 Arboretum Road, Edinburgh, EH3 5PN | No | No | Yes | To amend core times for alcohol consumption on the premises to 11:00 - 01:00 Monday to Sunday and to change core times for alcohol consumption off the premises to 11:00 - 22:00 Monday to Sunday. | Continued |
| 5. | 333586 | Historic Environment Scotland | Historic Environment Scotland Longmore House, Salisbury Place, Edinburgh, EH9 1SH | Edinburgh Castle, 362 Castlehill, Edinburgh, EH1 2NG | No | Yes | No | To increase the alcohol capacity and to add a new unit. | Granted - 58.05 linear metres |
| 6. | 335071 | Sneaky Pete's Limited | Lindsays 4f - 5f, 19a Canning Street, Edinburgh, EH3 8HE | 73 Cowgate, Edinburgh, EH1 1JW | Yes | No | No | To add childrens and young persons access | Continued for Site Visit |
| 7. | 326217 | Punch Partnership Limited | TLT LLP 140 West George Street, Glasgow, G2 2HG | 23-24 Greenside Place, Edinburgh, EH1 3AA | No | No | Yes | Amend children and young persons access and add tastings and samplings as activities | Granted |
| 8. | 334697 | Mr Mohammed Mushtaq | Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB | 85 Henderson Street, Edinburgh, EH6 6ED | No | Yes | No | To increase off sale hours, increase capacity, substitute new layout plan and change premises licence holder's/ manager's address | Granted – capacity 27.6 linear metres |

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
TRANSFER & VARIATION OF PREMISES LICENCE APPLICATIONS

29 AUGUST 2016

| No | Reference | Applicant | Agent Details | Premises | On Sale | Off Sale | On & Off Sale | Remarks | Decision |
|----|-----------|----------------------------|--|--|---------|----------|---------------|--|-----------|
| 1. | 330072 | Greenmans Catering Limited | Anderson Strathern 1 Rutland Court, Edinburgh, EH3 8EY | 21 Clerk Street, Edinburgh, EH8 9JH | Yes | No | No | Transfer licence ,add on sales, reduced off sale hours, add seasonal variations,restaurant facilities, bar meals, receptions, club and group meetings,recorded music, live performances, wine tasting, poetry nights as activities, change premises manager and allow children and young persons access to premises | Continued |

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|----|--------|----------------|--|--|----|-----|----|---|--|
| 2. | 334651 | Mr Zahid Iqbal | Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB | 7 Scotstoun Grove, South Queensferry, EH30 9PH | No | Yes | No | Transfer of premises licence Change of named premises manager To provide for an increased alcohol display area, following the incorporation of the adjoining shop, 5 Scotstoun Grove, with this shop. To substitute new Layout Plan, showing the increased licensed area, the new layout, and the increase in alcohol display area. To change the description of the premises to Double shop consisting of 5 and 7 Scotstoun Grove, Edinburgh. | Granted – capacity of 77.7 linear metres |
|----|--------|----------------|--|--|----|-----|----|---|--|

NEW PROVISIONAL PREMISES LICENCE APPLICATIONS

29 August 2016

| No | Reference | Applicant | Agent Details | Premises | On Sale | Off Sale | On & Off Sale | Remarks | Decision |
|----|-----------|-----------------------------------|---|---|---------|----------|---------------|---|---|
| 1. | 333600 | Westgate Brewery | John Gaunt & Partners Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT | 1 Broadway Park, South Gyle Broadway, Edinburgh, EH12 9ED | No | No | Yes | The proposal is for food led pub restaurant which will open as licensed premises offering substantial quality food and providing occasional limited entertainment. It is intended that associated accommodation will be constructed on site in due course, opening after the proposed food led pub restaurant | Granted – 2300 hrs terminal hour for Children & Young Persons; 2200hrs terminal hour for external drinking area; Music Condition |
| 2. | 334812 | Reiver Country Farm Foods Limited | Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB | 82 Canongate, Edinburgh, EH8 8BZ | No | No | Yes | Restaurant with takeaway facility on ground floor of tenement on Canongate, Edinburgh | Granted- Music Condition; Capacity of 20; Off-sales with takeaway food only |
| 3. | 334521 | Mr Umran Akbar | Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB | 57 Constitution Street, Edinburgh, EH6 7AF | No | No | Yes | Hotel Premises located over 4 floors on Constitution Street, with ancillary facilities | Granted – Music condition; Capacity of 138; No off-sales; No outdoor drinking |

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|----|--------|-------------------------------------|---|---|-----|----|-----|---|--|
| 4. | 334597 | Red's Smoque Limited | Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA | 9a & 10-11 George IV Bridge, Edinburgh, EH1 1EE | No | No | Yes | Restaurant premises comprising ground and basement floors situated in the centre of Edinburgh | Withdrawn |
| 5. | 335051 | Pariland Limited | TLT LLP 140 West George Street, Glasgow, G2 2HG | 4-6 Nicolson Street, Edinburgh, EH8 9DH | No | No | Yes | Restaurant premises in a mainly commercial area of the city | Granted – Music condition; Capacity of 30 |
| 6. | 334715 | Chisholm Hunter Limited | Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB | 97-98 Princes Street, Edinburgh, EH2 2ER | Yes | No | No | Jewellers shop located over 3 floors on Princes Street, Edinburgh | Granted – Music condition |
| 7. | 334478 | STK Rebel (Edinburgh) Limited | Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY | 8 St Andrew Square, Edinburgh, EH2 2BD | Yes | No | No | The premises is a restaurant and bar facility located at St Andrew Square. The Premises wil provide breakfast, snack, brunch, lunch and dinner. The premises has an outdoor dining/drinking area at front of the premises | Granted – Music condition; 2200hrs terminal hour for external drinking area; Capacity of 300 |

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
PERSONAL LICENCE APPLICATIONS

29 AUGUST 2016

| No | Reference | Applicant | Agent Details | Remarks | Decision |
|-----------|------------------|----------------------------|--|---|--|
| 1. | 333092 | Nicola Burdell | Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB | Continued (2nd appearance) | Granted |
| 2. | 327653 | Steven Ramsay | | Continued for final time | Refused – Preventing Crime & Disorder |
| 3. | 330306 | Pascal Theze | Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB | Continued (2 nd appearance) | Continued – Final time |
| 4. | 329342 | Amber Carol Anne Turner | | Continued for final time | Refused – Preventing Crime & Disorder, Protecting Children & Young Persons from Harm |
| 5 | 334253 | Kieran Anthony Rose | Personal Training UK (Ltd), Unit 12B, The Photo Block, Hatherley Lane, Cheltenham, GL51 6PN | | Withdrawn |
| 6 | 334215 | Connor Hugh Handren | Training Information Centre, Unit 2 The Lauries Centre, 142 Calughton Road, Birkenhead, CH41 6EY | | Continued – First time |