

## MINUTES OF MEETING

MONDAY 26<sup>th</sup> SEPTEMBER 2016

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

**Police Officer: Sergeant John Young**

**Council Officers present: Colin Baxter (Licensing and Trading Standards Manager); Gillian Moore (LSO); Muir Somerville (Building Standards Team Manager); Keith Clark (Building Standards)**

**Depute Clerk: Nick Fraser**

### 1. Minutes of meeting of 29<sup>th</sup> August 2016 for approval

The minutes of the Board's meeting of 29<sup>th</sup> August 2016, together with the decision list from that meeting, were presented for approval.

**Decision:** Minutes approved.

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

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

**Declarations of interest:** Councillor Booth declared a non-financial interest in the following application and took no part in the decision-making process.

Leith Theatre Trust – application for provisional premises licence – 28-30 Ferry Road, Edinburgh

#### **Divisions:**

Sneaky Pete's Limited – variation of premises licence – 73 Cowgate, Edinburgh

Councillor Walker, seconded by Councillor Redpath, moved refusal of the application, having regard to the licensing objective of protecting children from harm. Councillor Barrie, seconded by Councillor Bridgman, moved grant of the application, subject to the terms of the Admissions Policy provided by the applicant.

Following a division, the Board agreed to grant the variation application.

Vito Alongi – personal licence application

Councillor Cook, seconded by Councillor Balfour, moved refusal of the application, having regard to the licensing objective of preventing crime and disorder. Councillor Milligan, seconded by Councillor Walker, moved grant of the application.

Following a division, the Board agreed to grant the personal licence application.

**NHS Lothian representations:** None

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

### **3. Premises Licence Review Proposal – 1 Dean Bank Lane, Edinburgh**

The Depute Clerk advised the Board that the premises licence for 1 Dean Bank Lane was held in the name of a company which it had been established had been dissolved. The Board noted that the premises had not come to the attention of police or LSOs, and that there had been, and continued to be, a premises manager employed at the premises throughout.

The Board agreed that it was necessary to make a review proposal, but that no action would be taken on the premises licence until the meeting of 31<sup>st</sup> October 2016.

**Decision:** Board agreed that it was necessary to make a review proposal, and that the matter would be continued for consideration at the meeting on 31<sup>st</sup> October 2016.

### **4. Hearing on Consultation Responses – Policy on Amplified Music and Vocals in Licensed Premises**

The Depute Clerk confirmed to the Board that at the meeting of 29<sup>th</sup> August 2016 it had been agreed to hold a hearing to consider in more detail the representations made to the Board's consultation on amplified music and vocals in licensed premises.

The Board then heard from the following:-

- New Town and Broughton Community Council
- Southside Community Council
- Stockbridge and Inverleith Community Council
- Morningside Community Council
- Tollcross Community Council
- Edinburgh Licensing Forum
- Music is Audible Working Group
- Musicians' Union

# ◆ EDINBURGH ◆

## LICENSING BOARD

- Grassmarket Residents' Association
- Southside Association
- Councillor Richard Lewis, Convener of Culture and Sport Committee
- Leith Theatre Trust
- Scottish Licensed Trade Association
- Traditional Music Forum
- Councillor Norma Austin Hart, Convener of MIA Working Group
- Council's Director of Culture
- Council's Service Manager, Cultural Venues
- Council's Regulatory Manager

In the course of hearing the various representations, Board members sought clarification on a number of matters. At the conclusion of the hearing, the Convener invited the Board members present to express their views on the amendment to the policy as proposed. By a majority of six votes to two of the members present, the Board agreed to amend the terms of its policy by issuing a Supplementary Statement of Licensing Policy.

**Decision:** the Board agreed to amend the terms of its policy regarding the attachment of a condition to licences for amplified music and vocals, and that a Supplementary Statement of Licensing Policy would be published to confirm the amendment.

Councillor Eric Milligan  
Convener of the Licensing Board

# DECISION LIST

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

**26 September 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	Continued for Site Visit. 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.	Granted – 2200hrs terminal hour for outside drinking area
2.	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
3	335071	Sneaky Pete's Limited	Lindsays 4f - 5f, 19a Canning Street, Edinburgh, EH3 8HE	73 Cowgate, Edinburgh, EH1 1JW	Yes	No	No	Continued for Site Visit To add childrens and young person's access	Granted

# DECISION LIST

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

**26 September 2016**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	335394	Ms Rachel Margaret Evelyn Bucknall	Mr Andrew D Williams WS 24 Canning Street, Edinburgh, EH3 8EG	27 Baird Road, Newbridge, EH28 8RA	No	No	Yes	To include Barge (permanently moored) and the Jetty within the licensed footprint. The Barge is to be part of the main licensed area and not part of the outdoor area	Granted
2.	335243	Greene King Retailing Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	4-6 Fishmarket Square, Edinburgh, EH6 4LW	No	No	Yes	To include external area of premises. Public house on ground floor of a 3 storey terrace	Granted – 2200hrs terminal hour for outside drinking area
3.	335049	B&M Retail Ltd	Joelson Wilson LLP 30 Portland Place, London, W1B 1LZ	6 Moray Park, Edinburgh, EH7 5TS	No	Yes	No	Increase off sale hours	Granted
4.	331281	Oddbins	Oddbins 1-9 Hardwick's Square, Hardwick's Way, Wandsworth, London, SW18 4AW	5 Queensferry Street, Edinburgh, EH2 4PA	No	Yes	No	To add on sale hours and to add tastings as other activities Traditional Wine Merchants	Granted – with on sale hours of 1300-2200hrs, Monday-Sunday

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5.	336772	Earthy Foods & Goods Limited	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	33-41 Ratcliffe Terrace, Edinburgh, EH9 1SX	No	No	Yes	To increase capacity, add tasting and classes/tutorials as activities, provide for a barbeque in courtyard area, substitute new payout plan and amend description of premises. Operation involving retail and cafe/restuarant with outside areas locked in former self contained warehouse, located back from the main road	Continued – date to be confirmed
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6.	336841	Summerhall Management Ltd	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	1 Summerhall, Edinburgh, EH9 1PL	No	No	Yes	To add restaurant facilities and indoor/outdoor sports, cultural and entertainment events, covering live music, corporate events, book and music launches, classes and lectures, tastings and miscellaneous others as activities, increase capacity, allow activities outwith core hours, change description of premises, provide certain event may take place in Red Lecture theatre, in courtyard area there may be temporary and permanent structures at certain times of the year. Arts, cultural and entertainment venue and including a bar, cafe and courtyard located in part of a large building near the meadows.	Granted
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# DECISION LIST

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

**26 SEPTEMBER 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	<b>Transfer licence</b> ,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 asactivities, change premises manager and allow children and youngpersons access to premises CC BSR	Granted – Occupant capacity of 10. <b>TRANSFER WITHDRAWN</b>



# DECISION LIST

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

**26 September 2016**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	336774	Leith Theatre Trust	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	28-30 Ferry Road, Edinburgh	Yes	No	No	The premises consist of the Thomas Morton Hall on the ground floor and ancillary offices, kitchen and toilets plus basement . The entrance hall provides access to the upper floors and has an entrance to the Thomas Morton Hall and to the Theatre, which is included in the premises but is presently closed with no public access. The premises this is located in a building set off Ferry Road and accessed by a driveway.	Granted – 2200hrs terminal hour for outside drinking area; Music Condition; Occupant capacity of 170

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2.	337031	D&F East Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1 Forth Street, Edinburgh, EH1 3JX	No	No	No	Restaurant premises situated over two floors extending to 60 covers. Ground floor comprises of restaurant and servery area. Basement floor further seating, kitchen, toilets, storage rooms and staff cgingang rooms	Granted – Music Condition; 2300hrs terminal hour for children’s access; 0100hrs terminal hour for young person’s access; 2200hours terminal hour for outside drinking area
3.	337105	Lounge Licensees Limited	Lindsays 4f - 5f, 19a Canning Street, Edinburgh, EH3 8HE	316-320 Gorgie Road, Edinburgh, EH11 2QZ	No	Yes	No	Specialist off sales on ground floor of tenement type property	Granted – Music condition;
4.	336849	Mellis Cheese Limited	Lindsays 4f - 5f, 19a Canning Street, Edinburgh, EH3 8HE	330 Morningside Road, Edinburgh, EH10 4QJ	No	Yes	No	Cheesemonger with off sale	Granted – music condition;
5.	333048	Third Wave Coffee Limited	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	6 South College Street, Edinburgh, EH8 9AA	No	No	Yes	Coffee Shop on ground floor of tenement building in South College Street.	Granted – music condition
6.	334471	Mr Andrew Muir	Mr Andrew Muir 18 St Peter's Place, Edinburgh, EH3 9PH	44-45 St Patrick Square, Edinburgh, EH8 9ET	Yes	No	No	Tex-Mex Restaurant	Continued

## DECISION LIST

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

**26 SEPTEMBER 2016**

No	Reference	Applicant	Agent Details	Remarks	Decision
1.	335007	Vito Alongi	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	CC	Granted
2.	334681	David Charles Andrew Crighton		CC	Refused – Preventing Crime & Disorder
3.	336793	Anna Kai Downs	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	CC	Continued
4.	334215	Connor Hugh Handren	Training Information Centre, Unit 2 The Lauries Centre, 142 Calughton Road, Birkenhead, CH41 6EY	CC	Granted
5.	314955	Angela Senior McLintock	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	Continued (2 <sup>nd</sup> Appearance) CC	Continued
6.	336792	Cameron Sangster Ross	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	CC	Granted
7.	330306	Pascal Theze	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	Continued for Final Time CC	Refused – Preventing Crime & Disorder