

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

MONDAY 19th DECEMBER 2016

START TIME 9.30am

Council Chamber, City Chambers, Edinburgh

AGENDA

1. Minutes of meetings of:-
 - 10th November 2016
 - 28th November 2016for approval
2. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list
3. Transfer application – section 34 – Scotsman Hotel, 20-24 North Bridge
4. Transfer application – section 33 – The Jolly, Elm Row
5. Personal Licence – Section 82 Notification – Julian Fogarty
6. Personal Licence – Section 84A Application – Lachezar Boyanov
7. Personal Licence – Section 84A Application – Maciej Zmijewski
8. Premises Licence review proposal – 27 Bernard Street, Edinburgh (China Palace)
9. Premises Licence review application – 88 Portobello High Street, Edinburgh (Galleon Bar)

Nick Smith
Clerk of the Licensing Board

◆ EDINBURGH ◆

LICENSING BOARD

Licensing Board membership:

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

General information about the Licensing Board's meeting dates, Policies, etc is available online:-

http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licencing_board

MINUTES OF MEETING

THURSDAY 10th NOVEMBER 2016

Members present: Councillors Eric Milligan (Convener); Gavin Barrie; Mike Bridgman; Vicki Redpath; Nick Cook; Cammy Day

Council Officers present: Colin Baxter (Licensing and Trading Standards Manager); Martin Rich (Licensing Standards Manager)

Depute Clerk: Nick Fraser

1. Premises licence review proposals - Unpaid Annual Fees – Requests for recall of suspensions

The Depute Clerk referred to decisions made by the Board at its meeting on 31st October 2016 to suspend a number of premises licences on the basis of non-payment of annual fees, after the Board made review proposals in each case. He confirmed that a small number of suspensions required to be treated as no longer having effect, where the current licence holder had not received notification of the review proposal. The outstanding fees had now been paid in each case:-

- 2 Liberton Gardens
- 7-8 Queensferry Street
- 8 York Place
- 74 East Crosscauseway
- 50 East Fountainbridge

He advised that a number of licence holders whose premises licences had been suspended had made applications to the Board for recall of the suspension. The outstanding annual fee had been paid in each case. The Board agreed to consider each of the applications in turn.

22 Westfield Road (Murrayfield Sports Bar)

The Board heard from the licence holder and his agent (Alistair Macdonald), and after due consideration of the circumstances agreed to recall the suspension.

100-102 Dalry Road (Locanda di Gusti)

The Board heard from the licence holder and his agent (Alistair Macdonald). Following consideration of the circumstances, the Board agreed to recall the suspension.

22 Brougham Place

The Board heard from Mr Macdonald regarding the steps taken by the licence holder since the suspension was put in place and noted the circumstances. He asked the Board to substitute a lesser period of suspension of two weeks. After

due consideration, the Board decided the four week suspension should remain in place.

6 New Market Road

Alistair Macdonald advised the Board of the circumstances regarding the suspension and the steps taken since by the licence holder. The Board decided that the four week suspension should remain in place.

19 Cockburn Street

The Board heard from the licence holder and his agent, Andrew Williams. The Board noted the circumstances, and the steps which had been taken by the licence holder following on from the suspension.

Councillor Milligan seconded by Councillor Bridgman moved recall of the suspension. Councillor Cook seconded by Councillor Redpath moved substitution of a lesser period of suspension of two weeks.

The Board agreed to substitute a lesser period of suspension of two weeks.

8 Morrison Street

The Board heard from Alistair Macdonald on behalf of the licence holder, who explained the circumstances that had led to the failure to pay the fees. He asked the Board to consider substituting a shorter period of suspension.

After due consideration of the circumstances, the Board agreed to substitute a lesser period of suspension of two weeks.

Councillor Eric Milligan
Convener of the Licensing Board

MINUTES OF MEETING

MONDAY 28th NOVEMBER 2016

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

Apologies: Councillor Jeremy Balfour

Police Officer: Sergeant Hazel Leslie

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

Depute Clerk: Morag Leck

1. Minutes of meeting of 31st October 2016 for approval

The minutes of the Board's meeting of 31st October 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 thirteen applications for variation of existing premises licences, nine applications for new provisional premises licences and five applications for personal licences, the decisions for which are as detailed in the list appended to these minutes.

Declarations of interest: none

Divisions:

**The Ferry Brewery Limited – Provisional premises licence – Unit 13
Bankhead Steading, 1B Bankhead Road, South Queensferry**

Councillor Work, seconded by Councillor Milligan, moved grant of the application as sought, with a capacity of 40 but with specific provision in the operating plan for a higher capacity with the applicant to provide additional temporary toilets. Councillor Booth, seconded by Councillor Cook, moved grant of the application, with a strict capacity of 40.

Following a division, the Convener used his casting vote and the Board agreed to grant the application as sought, with a capacity of 40 but with specific provision in the operating plan for a higher capacity with the applicant to provide additional temporary toilets.

Alan O'Sullivan – personal licence application

Councillor Milligan, seconded by Councillor Barrie, moved continuation of the application, to allow the applicant the opportunity to obtain independent legal advice. Councillor Day, seconded by Councillor Cook, moved refusal of the application, having regard to the licensing objective of preventing crime and disorder.

Following a division, the Board agreed to continue 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. Chief Constable's Annual Report

Sergeant Leslie referred the Board to the terms of the Chief Constable's annual report for the period 2015/16.

Decision: The Board noted the terms of the Chief Constable's report.

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

Sergeant Leslie referred the Board to the terms of the Chief Constable's update report on the operation of The Hive premises, and confirmed that the premises had not come to the adverse attention of the police during the previous quarter.

Decision: The Board agreed that as the premises had not come to the adverse attention of the police or LSOs over the past year, as shown in the quarterly reports presented to the Board, there would be no requirement for any further reports.

5. Personal Licence – Section 84A Application – Lachezar Boyanov

The Depute Clerk referred to an application from Police Scotland for review of Mr Boyanov's personal licence. Mr Boyanov was not present.

Decision: The Board agreed to continue consideration of the matter to allow Mr Boyanov the opportunity to attend.

◆ EDINBURGH ◆

LICENSING BOARD

6. Personal Licence – Section 84A Application – Maciej Zmijewski

The Depute Clerk referred to an application from Police Scotland for review of Mr Zmijewski's personal licence. Mr Zmijewski was not present.

Decision: The Board agreed to continue consideration of the matter to allow Mr Zmijewski the opportunity to attend.

Councillor Eric Milligan
Convener of the Licensing Board

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

28 November 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	342182	MGD (Edin) Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	24-26 Calton Road, Edinburgh, EH8 8DP	Yes	No	No	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy.	Granted
2.	342137	Attraction Inns Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	69 Cowgate, Edinburgh, EH1 1JW	Yes	No	No	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy.	Granted

3.	342179	Attraction Inns Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	71 Cowgate, Edinburgh, EH1 1JW	Yes	No	No	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy.	Granted
4.	342160	Fuller Thomson Heritable Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	184-186 Cowgate, Edinburgh, EH1 1JJ	No	No	Yes	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy.	Granted

5.	342111	MORO Leisure Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	235 Cowgate, Edinburgh, EH1 1NN	No	No	Yes	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy.	Granted
6.	342187	MORO Leisure Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	237 Cowgate, Edinburgh, EH1 1JQ	No	No	Yes	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy	Granted
7.	341591	Saltire Taverns Ltd	Mr Adrian Howlett 24 Moorfield Road, Gourock, Inverclyde, PA19 1DD	7-11 Hope Street, Edinburgh, EH2 4EL	No	No	Yes	To increase on sale hours and allow children and young persons access to premises	Continued for Site Visit
8.	341038	Punch Partnership Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	49-51 London Street, Edinburgh, EH3 6LX	No	No	Yes	To amend children and young person's access	Granted

9.	342117	Mr David Brand	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	3 Pier Place, Edinburgh, EH6 4LP	Yes	No	No	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at it's meeting on 26th September 2016, as an amendment to its Policy.	Granted Young persons to be accompanied after 2300 Outdoor drinking – 2200 New amplified music and vocals condition Takeaways in line with Council LHC policy Zone 3
10.	342166	Attraction Inns Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	3 Robertson's Close, Edinburgh, EH1 1LY	No	No	Yes	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy.	Granted

11.	341474	Stonegate Pub Company Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	9b Victoria Street, Edinburgh, EH1 2HE	No	No	Yes	Increase on sale hours, allow activities outwith core hours, amend children and young persons access and amend wording to seasonal variations	Refused
12.	341134	Green King PLC	TLT LLP 140 West George Street, Glasgow, G2 2HG	28 West Maitland Street, Edinburgh, EH12 5DX	No	No	Yes	To amend the layout plan and children and young person's access	Granted
13.	341132	Turnhouse Golf Club Limited		154 Turnhouse Road, Edinburgh, EH12 0AD	No	No	Yes	To remove club conditions 2,3 and 4 from licence, increase on and off sale hours, add associations and club fundraising events, family events, christenings, naming days and external golf association events as activities and add a premises manager	Granted

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

28 November 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	337347	Charlotte Thomson	Donna Harrison (independent)	The Pantry, 1 North West Circus Place, Edinburgh, EH3 6ST	Yes	No	No	Family run medium sized café with a seating capacity of 52 persons.	GRANTED Capacity – 40 Statement re Licensing objectives to be provided New amplified music and vocals condition

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

28 NOVEMBER 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	341076	Gleann Mor Spirits Company Limited	Gleann Mor Spirits Company Limited 28 Jane Street, Edinburgh, EH6 5HD	28 Jane Street, Edinburgh, EH6 5HD	No	No	No	Lock Up Unit for storage, packaging and dispatch of alcohol for wholesale and online retail sales.	Granted Building Standards to carry out inspection
2.	341888	The Ferry Brewery Co Ltd	TLT LLP 140 West George Street, Glasgow, G2 2HG	Unit 13, Bankhead Steading, 1b Bankhead Road, South Queensferry, EH30 9TF	No	No	Yes	Brewery, dispatch point and taproom set in commercial business centre	Granted Sunday 1100 Outdoor drinking – 2200 New amplified music and vocals condition
3.	340979	The Dog and Pony Limited	Lindsays Caledonian Exchange, 19a Canning Street, Edinburgh, EH3 8HE	47-49 Bread Street, Edinburgh, EH3 9AH	No	No	Yes	Cafe/Restaurant	Granted New amplified music and vocals condition

4.	341628	Bruntsfield Brasserie Licence Limited	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	14-17 Bruntsfield Place, Edinburgh, EH10 4HN	No	No	Yes	Bistro Restaurant located on ground floor and basement of tenement property	Granted New amplified music and vocals condition
5.	341884	Merefern Limited	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	9a &10-11 George IV Bridge, Edinburgh, EH1 1EE	No	No	Yes	Ground floor and lower ground floor of building	Granted New amplified music and vocals condition
6.	341700	Mr Kazim Aslan	Macdonald Licensing 21A Rutland Square, Edinburgh, EH1 2BB	25-25a Promenade, Edinburgh, EH15 1HH	No	No	Yes	Cafe/Bistro premises in high profile site on Portobello Promenade	Granted New amplified music and vocals condition
7.	342229	Tiger Forest Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	39 Queen Street, Edinburgh, EH2 3NH	No	Yes	No	Retail operating, providing a range of products from ground floor premises at the corner of Queen Street and Frederick Street	Granted
8.	342233	Mothership (Scotland) Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	3a Queensferry Street Lane, Edinburgh	No	Yes	No	Small shop located in ground floor of building on Queensferry Street Lane	Granted

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

28 November 2016

No	Reference	Applicant	Agent Details	Decision
1.	336793	Anna Kai Downs	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	Refused
2.	342847	Rory Lyle		Continued
3.	314955	Angela McLintock	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	Refused
4.	343257	Alan O'Sullivan		Continued
5.	342501	Cristian Scarlat		Refused

ITEM 2.

THE CITY OF EDINBURGH LICENSING BOARD

**APPLICATIONS FOR VARIATION OF EXISTING
PREMISES LICENCES, NEW & PROVISIONAL
PREMISES LICENCES AND PERSONAL LICENCES**

19 December 2016

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

(19 December 2016)

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	341591	Saltire Taverns Ltd	Mr Adrian Howlett 24 Moorfield Road, Gourock, Inverclyde, PA19 1DD	7-11 Hope Street, Edinburgh, EH2 4EL	No	No	Yes	Continued for site visit To increase on sale hours and allow children and young persons access to premises CC LSO	
2.	337820	Mr Stewart Grant	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	35 Jock's Lodge, Edinburgh, EH8 7AA	No	No	Yes	Increase opening hours on Sundays for on and off sales, add quiz nights, karaoke, race/poker nights and breakfasts as activities, include beer garden in licensed foorprint, allow activities outwith core hours, amend children and young persons access, approve internal reconfiguration and amend description of premises. CC LSO	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMSES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	342855	Spirit Pub Company (Leased) Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	1 Howard Place, Edinburgh, EH3 5JZ	No	No	Yes	05/12/16	Increase on and off sale hours, amend seasonal variations and allow children and young persons access to premises until 10pm CC O	
2.	342674	The Restaurant Group (UK) Limited	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	1f, 235 High Street, Edinburgh, EH1 1PE	Yes	No	No	05/12/16	To add core times of 10:00 - 22:00 Monday - Sunday, to add restaurant facilities and bar meals, and takeaway as other activities CC	
3.	342751	The Restaurant Group (UK) Limited	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	2 Kinnaird Park, Edinburgh, EH15 3RD	Yes	No	No	05/12/16	To add core times of 10:00 - 22:00 Monday to Sunday, to add club meetings as activities and to add takeaway as other activities. CC	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMSES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
4.	344176	Assembly Theatre Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	2 Roxburgh Place, Edinburgh, EH8 9SU	Yes	No	No	05/12/16	To delete the current condition of amplified music and vocals and replace it with a new condition agrred by the Licensing Board, to add off sale hours and to commence on sale from 11am on Sunday CC LSO	
5.	344463	Summerside Bowling Club	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	21 Summerside Street, Edinburgh, EH6 4NT	No	No	Yes	05/12/16	To delete conditions 2 and 3 of the premises, to amend on sales hours, to provide activities outwith core hours, to apoint a premises manager, to amend children and young person's access and to substitute a new layout plan CC LSO O	
6.	342698	Mr Barry Robertson	Mr Barry Robertson 59 Blink O Forth, Prestonpans, EH32 9GB	26 Brougham Street, Edinburgh, EH3 9JH	No	No	Yes	05/12/16	Add seasonal variations and amend children and young persons access to premises. CC	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMSES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
7.	343444	The Voyage of Buck Limited	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	29-31 William Street, Edinburgh, EH3 7NG	No	No	Yes	05/12/16	To delete the wording contained in the local condition: "All amplified music and vocals shall be also as to be inaudible in neighbouring residential premises" and replace with : "All amplified music shall not be an audible nuisance in neighbouring residential premises" CC LSO O	
8.	343454	Ms Rebecca Jane MacLean	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	33 Raeburn Place, Edinburgh, EH4 1HX	Yes	No	Yes	05/12/16	Increase on sale hours, add off sales, add seasonal variations, receptions, club meetings, live performances, tv sports, takeaways, deliveries, outside catering, art exhibitions, and tastings as activites, allow activities outwith core hours, amend children and young persons access to premises and approve internal reconfigurations. CC LSO O	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMSES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
9.	344223	Northern Bowling Club	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	35 Warriston Crescent, Edinburgh, EH3 5LA	No	No	Yes	05/12/16	To delete conditions 2,3 and 4 in the Prmeises Licence, To delete the current condition and replace it with the new condiiton agrred by the Licensing Board, to amend on sale hours, to amend off sale hours, to add seasonal variations, to provide that certain activities may take place outwith core hours, to appoint a premises manager, to extend outside drinkig area and to amend children and young person's access. CC LSO	
10.	344233	Marston's Operating Limited	John Gaunt & Partners Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT	39a-40a Queensferry Street, Edinburgh, EH2 4RA	No	No	Yes	05/12/16	Increase on sale and off sale hours, add seasonal variations and gaming as an activities and allow activities outwith core hours. CC LSO O	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMSES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
11.	344589	Punch Partnership Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	73 Cockburn Street, Edinburgh, EH1 1BU	No	No	Yes	05/12/16	To allow on sales from 11am on Sunday, to allow bar meals during core hours, to allow outdoor drinking during core hours and addition of extra area CC LSO	
12.	344581	Sneaky Pete's Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	73 Cowgate, Edinburgh, EH1 1JW	Yes	No	No	05/12/16	To delete local condition and replace it with : "All amplified music and vocals shall be controlled so not to be audible nuisance in neighbouring residential premises" CC LSO	
13.	342733	The Restaurant Group (UK) Limited	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	74 Rose Street, Edinburgh, EH2 2NN	No	No	Yes	05/12/16	To add club meetings as activities and to add masterclasses and takeaway CC	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMSES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
14.	344482	Damas Edinburgh Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	87 Hanover Street, Edinburgh, EH2 1EE	No	No	Yes	05/12/16	To amend the description of the premises, amend on sale and off sale hours, add seasonal variations, add takeaways,deleveries & outside catering as activities,provide recorded music as an activity outwith core hours, to provide that activites answered "yes" may take place outwith core hours, to provide children and young person's access to the premises, the takeaway facility will be avaiable untill 2am Sunday - Thursday & 3am Friday and Saturday, and to amend the premises manager CC O	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
15.	344518	Mr Rajah Miah	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	87-91a Henderson Street, Edinburgh, EH6 6ED	No	No	Yes	05/12/16	To delete the current condition and replace it with the new condition agreed by the Board, to commence licensed hours from 10am each day other than Sunday, which will be at 11am, to add seasonal variations, to add TV sport, indoor/Outdoor sport, films and outside catering, takeaways, deliveries, outside catering, tastings and product launches as activities, reduce the capacity to 78, substitute a new layout plan and to change the description of the premises. CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
16.	344769	Monkey Barrel Comedy Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	9-11 Blair Street, Edinburgh, EH1 1QR	No	No	Yes	05/12/16	To amend the Amplified music condition added to the Provisional Premises Licence to the new condition, to increase the capacity, to include outside drinking facilities as an activity and to substitute new layout plans CC LSO BSR O	
17.	342679	The Restaurant Group (UK) Limited	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	Unit 4, 61 Leith Street, Edinburgh, EH1 3AU	No	No	Yes	05/12/16	To change Sunday opening to 11:00, to add off sales of 10:00 to 22:00 Monday Sunday, to add club meetings, to add takeaway as other activities and to change the premises manager. CC	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMSES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	344245	Ms Farah Fernandes	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	62-64 Duddingston Road, Edinburgh, EH15 1SG	No	Yes	No	05/12/16	Retail premises located within a single storey building of Duddingston Road, Edinburgh CC LSO BSR O	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMSES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
2.	344587	SACO the Serviced Apartment Company - t/ Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	Gf, 127-129 George Street, Edinburgh, EH2 4JN	No	No	Yes	05/12/16	The premises are set over 5 levels consisting of lower ground, ground and 3 further storeys served by lifts and stair cores. The basement includes 5 parking bays. There is a small reception/lounge area, manned 24/7. Guests will be able to purchase a small selection of bottles wines, beers and spirits. The public will also have access to reception/lounge area and will be able to consume alcohol purchased within this area. CC LSO BSR	
3.	340441	The Red Bus Bistro Co Ltd		c/o: Stance 16, Edinburgh Bus Station, Elder Street, Edinburgh, EH1 3DX	No	No	Yes	05/12/16	Bus operating as mobile a touring restuarant bus. CC LSO BSR	

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

19 December 2016

No	Reference	Applicant	Agent Details	Remarks	Decision
2.	342847	Rory Lyle		CC Continued	
4.	343257	Alan O'Sullivan	McGregor Thomson, Forsyth House, Lomond Court, Castle Business Park, Stirling, FK9 4TU	CC continued	

APPLICATION FOR TRANSFER OF PREMISES LICENCE – THE SCOTSMAN HOTEL, 20-24 NORTH BRIDGE, EDINBURGH**1. Purpose**

- 1.1 To advise the Board of an application for transfer of premises licence, for which a hearing is required;
- 1.2 To hold a hearing and reach a decision on how to deal with the application.

2. Main Report

- 2.1. The premises licence for the Scotsman Hotel is held by JJW Hotels & Resorts Limited. An application for transfer of the premises licence has been submitted by agents acting for the liquidator of the owners of the hotel, Scotsman (Edinburgh) Company Limited.
- 2.2. In this instance the application for transfer has not been made by the current licence holder. The 2005 Act permits an application for transfer to be made by someone other than the licence holder in certain circumstances, including where the business carried on in the premises is transferred to another person.
- 2.3. In this instance, the application has been made on the basis that the liquidator considers there to have been a transfer of the business at the premises, as at 20th October 2016 when the liquidator took control of the operation of the business. The circumstances are as set out in the letter provided by the liquidator's agent. Details of the application have been provided to Police Scotland, and the appropriate notice from the Chief Constable will be provided to the Board.
- 2.4. The circumstances of this application for transfer are unusual, which is why this has been reported to the Board for consideration rather than dealt with as a delegated item of business. It is not considered that grant of the application would have any adverse impact upon the licensing objectives.

3. Recommendation

- 3.1 The Board is asked:-
 - (a) to consider the terms of the transfer application and;
 - (b) to decide whether or not to grant the application for transfer of the premises licence.

**Depute Clerk of the Licensing Board
8th December 2016**

APPLICATION FOR TRANSFER OF PREMISES LICENCE – THE JOLLY, 9 ELM ROW, EDINBURGH**1. Purpose**

- 1.1 To advise the Board of an outstanding application for transfer of premises licence, for which a hearing is required;
- 1.2 To hold and hearing and reach a decision on the application.

2. Main Report

- 2.1. The premises licence for the premises at The Jolly, 9 Elm Row is held by Alfredo Alongi. An application for transfer of the premises licence has been submitted, seeking to transfer the licence into the name of Vito Alongi.
- 2.2. As required by section 33(6), Police Scotland have provided a report which advises that Vito Alongi has a conviction for a relevant offence. Police Scotland have made no recommendation in terms of their letter. The Board previously considered the terms of the conviction in relation to an application by Vito Alongi for a personal licence. Following a hearing on that application, the Board agreed to grant the application.
- 2.3. By virtue of section 33(9) of the 2005 Act this matter requires to be reported to the Board: the Act does not permit that this matter be dealt with at delegated level. It is reported to the Board on that basis.
- 2.4. Considering that the Board has previously considered the conviction and dealt with its terms, it is suggested that the Board may wish to note the conviction details and proceed with granting the transfer application as sought.

3. Recommendation

- 3.1 The Board is asked:-
 - (a) to consider the terms of the transfer application and associated police notification; and
 - (b) to consider granting the application for transfer of the premises licence.

**Depute Clerk of the Licensing Board
8th December 2016**

PERSONAL LICENCE REVIEW – JULIAN FOGARTY

1. Purpose

- 1.1 To advise the Board of the requirement to hold a hearing for the review of Julian Fogarty's personal licence, following notification of his conviction for a relevant offence.

2. Main Report

- 2.1. Julian Fogarty holds a Personal Licence issued by the Edinburgh Licensing Board. Where a personal licence holder acquires a conviction for a relevant offence they are required to provide the Licensing Board with notification to that effect. Notice is then sent to the Chief Constable in order for him to provide a notice either confirming the conviction details or otherwise. Where the Board receives such a notice, it must hold a hearing.
- 2.2. Mr Fogarty notified the Board by email of the details of his convictions, which were forwarded on to the police. A notice confirming the conviction details has been provided by Police Scotland, will be provided with this report, and has been sent to Mr Fogarty.
- 2.3. If, after proceeding with a hearing, the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives, it may make an order:-
- (a) revoking;
 - (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
 - (c) endorsing
- the licence held by the personal licence holder.
- 2.5 The Board is required to hold a hearing on the personal licence and then decide what action, if any, is considered necessary for the purpose of the licensing objectives. Julian Fogarty has been invited to attend.

3. Recommendation

- 3.1 The Board is required, having regard to the notification and the Chief Constable's report:-
- (a) to hold a hearing on the personal licence;
 - (b) to decide whether to take any action with regard to the personal licence.

PERSONAL LICENCE REVIEW – JULIAN FOGARTY

4. Background Papers

4.1 Letter from Police Scotland dated 7th December 2016

**Depute Clerk of the Licensing Board
12th December 2016**

PERSONAL LICENCE REVIEW – SECTION 84A – LACHEZAR BOYANOV

1. Purpose

- 1.1 To advise the Board of a requirement to hold a hearing, on a request from the Chief Constable for review of Mr Lachezar Boyanov's personal licence.

2. Main Report

- 2.1. The Chief Constable, Police Scotland has submitted a report, requesting the review of Mr Boyanov's personal licence in terms of section 84A of the 2005 Act.
- 2.2. Where the Chief Constable considers that a personal licence holder has acted in a manner which is inconsistent with any of the licensing objectives, he may report the matter to the Licensing Board. Where the Board receives such a report, it must hold a hearing.
- 2.3. If, after proceeding with a hearing the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives, it may make an order:-
- (a) revoking;
 - (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
 - (c) endorsing
- the licence held by the personal licence holder.
- 2.4 The Chief Constable's report has been submitted having regard to the licensing objectives of preventing crime and disorder; securing public safety; and preventing public nuisance. This matter was given initial consideration at the Board meeting of 29th November 2016. Noting Mr Boyanov was not present, it was agreed to continue the matter to the December meeting.

3. Recommendation

- 3.1 The Board is required, having regard to the notification and the Chief Constable's report:-
- (a) to hold a hearing on the personal licence;
 - (b) to decide whether to take any action with regard to the personal licence held by Lachezar Boyanov.

4. Background Papers

- 4.1 Letter from Police Scotland dated 14th October 2016

Depute Clerk of the Licensing Board
29th November 2016

PERSONAL LICENCE REVIEW – SECTION 84A – MACIEJ ZMIJEWSKI

1. Purpose

- 1.1 To advise the Board of a requirement to hold a hearing, on a request from the Chief Constable for review of Mr Maciej Zmijewski's personal licence.

2. Main Report

- 2.1. The Chief Constable, Police Scotland has submitted a report, requesting the review of Mr Zmijewski's personal licence in terms of section 84A of the 2005 Act.
- 2.2. Where the Chief Constable considers that a personal licence holder has acted in a manner which is inconsistent with any of the licensing objectives, he may report the matter to the Licensing Board. Where the Board receives such a report, it must hold a hearing.
- 2.3. If, after proceeding with a hearing the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives, it may make an order:-
- (a) revoking;
 - (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
 - (c) endorsing
- the licence held by the personal licence holder.
- 2.4 The Chief Constable's report has been submitted having regard to the licensing objectives of preventing crime and disorder; and securing public safety. This matter was given initial consideration at the Board meeting of 29th November 2016. Noting Mr Zmijewski was not present, it was agreed to continue the matter to the December meeting.

3. Recommendation

- 3.1 The Board is required, having regard to the notification and the Chief Constable's report:-
- (a) to hold a hearing on the personal licence;
 - (b) to decide whether to take any action with regard to the personal licence held by Maciej Zmijewski.

4. Background Papers

- 4.1 Letter from Police Scotland dated 14th October 2016

Depute Clerk of the Licensing Board
29th November 2016

**PREMISES LICENCE REVIEW PROPOSAL – 27 BERNARD STREET,
EDINBURGH (CHINA PALACE)****1. Purpose**

- 1.1 To ask the Board to make a premises licence review proposal, having regard to the circumstances as set out below;
- 1.2 To consider revocation of the premises licence, on the basis of those circumstances.

2. Main Report

- 2.1. The premises licence for 27 Bernard Street was held by the company Sukie Edinburgh Limited, company number SC328031. During recent investigations carried out by the Council's LSOs, it has been confirmed that the company was dissolved on 14th January 2011.
- 2.2. The premises have continued to operate in the meantime, run by the same persons involved in the company. There has been a named premises manager in place for the duration. In all other respects the premises have operated without causing problems for LSOs or police. The premises licence annual fees have been paid on time every year.
- 2.3. Dissolution of the company does not result in the premises licence ceasing to have effect, in terms of section 28 of the 2005 Act. However the dissolution of the company means that it would not be possible for the existing premises manager to be replaced, for example, in the event that this became necessary. The Board is therefore asked to make a review proposal, on the basis of the licence holder company having been dissolved and having regard to the potential detrimental impact upon the licensing objectives.
- 2.4. In the event that the Board agreed to make a review proposal, it is suggested that it would be appropriate in the circumstances to revoke the premises licence. It would be open to the parties operating the premises at present to submit an application (or applications) to secure the short term licensing arrangements for the premises, always on the basis that any such application would require to be considered on its merits. Should the operators of the premises require time to lodge applications for the short term period, the Board might consider continuing this matter to its January meeting.

3. Recommendation

- 3.1 The Board is asked:-
 - (a) to make a review proposal on the ground stated; and to consider revoking the premises licence.

**PREMISES LICENCE REVIEW APPLICATION – THE GALLEON BAR, 88
PORTOBELLO HIGH STREET, EDINBURGH****1. Purpose**

- 1.1 To ask the Board to consider the terms of a premises licence review application for the premises at 88 Portobello High Street, Edinburgh and whether there are grounds for a review of the premises licence.
- 1.2 In the event that the Board considers grounds have been stated, to decide when to hold a hearing on the review application.

2. Main Report

- 2.1 Any person may apply to the Board, in respect of any licensed premises in the Board's area, for a review of the premises licence. The possible grounds for review are:-
 - (a) that one or more of the licensing conditions has been breached or
 - (b) any other ground relevant to the licensing objectives, namely:-
 - preventing crime and disorder,
 - securing public safety,
 - preventing public nuisance,
 - protecting and improving public health, and
 - protecting children from harm.
- 2.2 The Board may reject a premises licence review application if it is considered:-
 - (a) to be vexatious or frivolous; or
 - (b) does not disclose any matter relevant to any ground for review.
- 2.3 The Board must first be satisfied that grounds for review have been stated upon which it can proceed with a hearing on the application. The Board may obtain such further information as it requires in order to establish whether or not to proceed with a hearing on the review application.
- 2.4 An application has been submitted for the review of the premises licence for the premises at 88 Portobello High Street, Edinburgh by a neighbouring resident. The premises are described in the licence as being a small traditional public house in a tenement building. The premises licence holder is Caledonian Heritable Limited. The person applying for review of the premises licence has expressed the view that they consider that each of the five licensing objectives has been breached in some way. Following the receipt of the applicant's first letter requesting review, the depute clerk wrote to provide information about applying for review of a premises licence and to check that he wished to proceed.
- 2.5 Following receipt of the applicant's second letter, the depute clerk brought the matter to the attention of the Council's LSOs and Police Licensing, to check whether the premises had come to their attention.

**PREMISES LICENCE REVIEW APPLICATION – THE GALLEON BAR, 88
PORTOBELLO HIGH STREET, EDINBURGH**

At the time of writing there have been no reports, but any updates will be provided to the Board for consideration.

- 2.6. Before deciding whether to proceed with a review hearing, the Board will have to consider whether the application is vexatious or frivolous, and whether it sets out grounds for review of the premises licence. In the event that the Board agrees the application should proceed to a hearing, consideration should then be given to when to hold the hearing.
- 2.7. Considering the nature of the application, it may be more appropriate that consideration is given at the outset to trying to find other ways of dealing with the applicant's concerns, such as by mediation.
- 2.8. If the Board is satisfied that it is necessary or appropriate for the purposes of any of the licensing objectives the Board can, at the conclusion of the hearing, take any of the following steps:-
 - (a) issue a written warning to the licence holder;
 - (b) make a variation of the licence;
 - (c) suspend the licence for such period as the Board may determine;
 - (d) revoke the licence.
- 2.9. If in the course of a hearing the Board makes a finding that any personal licence holder who is or was working in the premises has acted in a manner which is considered to be inconsistent with any one or more of the licensing objectives, the Board must hold a hearing on the personal licence.

3. Recommendation**3.1 The Board is required:-**

- (a) to decide whether or not the application for review of the premises licence is vexatious or frivolous and whether it sets out grounds for a review; and
- (b) if the Board agrees that it necessary to do so, to decide when a review hearing will be held.

4. Background Papers

- 4.1 Letter dated 12th October 2016
- 4.2 Letter dated 1st November 2016

**Depute Clerk of the Licensing Board
12th December 2016**