

# ◆ EDINBURGH ◆

LICENSING BOARD

## NOTICE OF MEETING

MONDAY 30<sup>th</sup> JANUARY 2017

START TIME 9.30am

Council Chamber, City Chambers, Edinburgh

### AGENDA

1. Minutes of meetings of 19<sup>th</sup> December 2016 for approval
2. Licensing Board Rules – Dates of Meetings 2017/18
3. Gambling Act 2005 – Applications for Licensed Premises Gaming Machine Permits (More than 2 Category C/D Machines)
4. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list
5. Personal Licence – Section 82 Notification – Lesley Gilmour
6. Personal Licence – Section 84A Application – Lachezar Boyanov
7. Personal Licence – Section 84A Application – Maciej Zmijewski
8. Update Report – 1 Sighthill Court, Edinburgh (Crofters)
9. Premises Licence review hearing – updated – 260-262 Leith Walk, Edinburgh (Woodland Creatures)
10. Premises Licence review application – 88 Portobello High Street, Edinburgh (Galleon Bar)

Nick Smith  
Clerk of the Licensing Board

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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/licensing\\_board](http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licensing_board)

**MINUTES OF MEETING**

**MONDAY 19<sup>th</sup> DECEMBER 2016**

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

**Apologies: none**

**Police Officer: Sergeant Hazel Leslie**

**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: Nick Fraser**

**1. Minutes of meetings of 10<sup>th</sup> and 28<sup>th</sup> November 2016 for approval**

The minutes of the Board's meeting of 10<sup>th</sup> and 28<sup>th</sup> November 2016, together with the decision list from the latter meeting, were presented for approval.

**Decision:** Minutes approved, subject to confirmation of an apology for absence from Councillor Booth, for the meeting of 10<sup>th</sup> November 2016.

**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 nineteen applications for variation of existing premises licences, three applications for new provisional premises licences and two applications for personal licences, the decisions for which are as detailed in the list appended to these minutes.

**Declarations of interest: none**

**Divisions: none**

**NHS Lothian representations: None**

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

**3. Transfer application – section 34 – Scotsman Hotel, 20-24 North Bridge**

The Depute Clerk confirmed the basis upon which the application for transfer had been made, and the reason for it being reported to the Board for consideration.

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

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## LICENSING BOARD

David Hossack from Morton Fraser Solicitors advised that he was acting for the transferee, and that the application for transfer of the licence had been submitted on the basis of a transfer of the business to the transferee.

Following consideration of the circumstances, the Board agreed to grant the transfer application.

**Decision:** agreed to grant transfer application.

#### **4. Transfer application – section 33 – The Jolly, Elm Row**

The Depute Clerk advised that the application for transfer for the Jolly required to be reported to the Board for consideration, as the police report received for the application disclosed that the transferee had a conviction for a relevant offence. The matter had previously been considered by the Board in connection with a separate matter. The Board agreed therefore to grant the application.

**Decision:** application for transfer granted.

#### **5. Personal Licence – Section 82 Notification – Julian Fogarty**

The Depute Clerk referred to a notification made by Julian Fogarty of a conviction for a relevant offence. The Board heard from Sergeant Leslie regarding the details of the conviction, and then from Mr Fogarty.

Following consideration of the representations made, the Board agreed that it was necessary for the licensing objective of preventing crime and disorder to endorse Mr Fogarty's personal licence.

**Decision:** the Board agreed to endorse Mr Fogarty's personal licence.

#### **6. 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, at the second time of calling.

**Decision:** The Board agreed to continue consideration of the matter one more time, to allow Mr Boyanov the opportunity to attend.

#### **7. 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, at the second time of calling.

**Decision:** The Board agreed to continue consideration of the matter one more time, to allow Mr Zmijewski the opportunity to attend.

#### **8. Premises Licence review proposal – 27 Bernard Street, Edinburgh (China Palace)**

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

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The Depute Clerk advised the Board that the Council's LSOs had carried out a recent check on the premises and had established that the company holding the premises licence had been dissolved several years ago. On that basis it would not be possible for the licence to be transferred or varied. The Board agreed to revoke the premises licence.

**Decision:** agreeing to revoke the premises licence

**9. Premises Licence review application – 88 Portobello High Street, Edinburgh (Galleon Bar)**

The Depute Clerk advised the Board that an application for review of the premises licence for the Galleon Bar had been received. Alistair Macdonald was present on behalf of the licence holder. The Board noted that the applicant seeking review was not present, and considered that in order to reach a view on whether the matter should proceed to a review hearing, it would be preferable to have the applicant present. The Board agreed that it would make no view on the merits of the application at this stage, and would continue the matter to its January meeting, with the applicant to be invited to attend.

**Decision:** application continued, for attendance by applicant.

Councillor Eric Milligan  
Convener of the Licensing Board

THE CITY OF EDINBURGH LICENSING BOARD  
LICENSING (SCOTLAND) ACT 2005

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	GRANTED Children's access no later than 01.00 Young persons' access no later than terminal hour
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 footprint, allow activities outwith core hours, amend children and young persons access, approve internal reconfiguration and amend description of premises. CC LSO	GRANTED 22.00 restriction on outdoor drinking

VARIATION OF PREMISES LICENCE APPLICATIONS

19 December 2016

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	342855	Spirit Pub Company (Leased) Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	1 Howard Place, Edinburgh, EH3 5JZ	No	No	Yes	Increase on and off sale hours, amend seasonal variations and allow children and young persons access to premises until 10pm CC O	GRANTED
3.	342674	The Restaurant Group (UK) Limited	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	1f, 235 High Street, Edinburgh, EH1 1PE	Yes	No	No	To add core times of 10:00 - 22:00 Monday - Sunday, to add restaurant facilities and bar meals, and takeaway as other activities CC	GRANTED
4.	342751	The Restaurant Group (UK) Limited	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	2 Kinnaird Park, Edinburgh, EH15 3RD	Yes	No	No	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	GRANTED

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5.	344176	Assembly Theatre Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	2 Roxburgh Place, Edinburgh, EH8 9SU	Yes	No	No	To delete the current condition of amplified music and vocals and replace it with a new condition agreed by the Licensing Board, to add off sale hours and to commence on sale from 11am on Sunday CC LSO	CONTINUED FOR SITE VISIT
6.	344463	Summerside Bowling Club	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	21 Summerside Street, Edinburgh, EH6 4NT	No	No	Yes	To delete conditions 2 and 3 of the premises, to amend on sales hours, to provide activities outwith core hours, to appoint a premises manager, to amend children and young person's access and to substitute a new layout plan CC LSO	GRANTED 22.00 restriction on outdoor drinking 00.00 terminal hours Mon - Thurs 01.00 terminal hour Fri-Sun
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	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	CONTINUED at agent's request



LICENSING BOARD									
8.	343454	Ms Rebecca Jane Maclean	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	33 Raeburn Place, Edinburgh, EH4 1HX	Yes	No	Yes	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 activities, allow activities outwith core hours, amend children and young persons access to premises and approve internal reconfigurations. CC LSO	GRANTED Seasonal variations – withdrawn TV sports – withdrawn
9.	344223	Northern Bowling Club	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	35 Warriston Crescent, Edinburgh, EH3 5LA	No	No	Yes	To delete conditions 2,3 and 4 in the Premises Licence. To delete the current condition and replace it with the new condition agreed 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 drinking area and to amend children and young person's access. CC LSO	CONTINUED FOR SITE VISIT

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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	Increase on sale and off sale hours, add seasonal variations and gaming as an activities and allow activities outwith core hours. CC LSO	WITHDRAWN
11.	344589	Punch Partnership Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	73 Cockburn Street, Edinburgh, EH1 1BU	No	No	Yes	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	GRANTED 22.00 restriction on outdoor drinking
12.	344581	Sneaky Pete's Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	73 Cowgate, Edinburgh, EH1 1JW	Yes	No	No	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	CONTINUED FOR CORRECT DISPLAY OF SITE NOTICE
13.	342733	The Restaurant Group (UK) Limited	Pinsept Masons 141 Bothwell Street, GLASGOW, G2 7EQ	74 Rose Street, Edinburgh, EH2 2NN	No	No	Yes	To add club meetings as activities and to add masterclasses and takeaway CC	GRANTED

LICENSING BOARD									
14.	344482	Damas Edinburgh Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	87 Hanover Street, Edinburgh, EH2 1EE	No	No	Yes	To amend the description of the premises, amend on sale and off sale hours, add seasonal variations, add takeaways, deliveries & outside catering as activities, provide recorded music as an activity outwith core hours, to provide that activities answered "yes" may take place outwith core hours, to provide children and young person's access to the premises, the takeaway facility will be available untill 2am Sunday - Thursday & 3am Friday and Saturday, and to amend the premises manager CC O	GRANTED

LICENSING BOARD									
15.	344518	Mr Rajah Miah	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	87-91a Henderson Street, Edinburgh, EH6 6ED	No	No	Yes	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	GRANTED
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	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	GRANTED

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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	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	GRANTED
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**PROVISIONAL AND PREMISES LICENCE APPLICATIONS**

**19 December 2016**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
18.	344245	Ms Farah Fernandes	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	62-64 Duddingston Road, Edinburgh, EH15 1SG	No	Yes	No	Retail premises located within a single storey building of Duddingston Road, Edinburgh CC LSO BSR O	GRANTED Condition – amplified music and vocals – no audible nuisance

19.	344587	SACO the Serviced Apartment Company - V Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	Gf, 127-129 George Street, Edinburgh, EH2 4JN	No	No	Yes	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/ounge 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/ounge area and will be able to consume alcohol purchased within this area. CC LSO BSR	GRANTED Condition – amplified music and vocals – no audible nuisance
3.	340441	The Red Bus Bistro Co Ltd		c/o: Stance 16, Edinburgh Bus Station, Elder Street, Edinburgh, EH1 3DX	No	No	Yes	Bus operating as mobile a touring restaurant bus. CC LSO BSR	CONTINUED FOR SITE VISIT

**PERSONAL LICENCE APPLICATIONS**

**19 December 2016**

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



REPORT – RULES AND SCHEDULE OF MEETINGS – 2017/18

**1. Purpose**

- 1.1 To ask the Board to note the terms of its existing Rules for Board meetings;
- 1.2 To agree a draft schedule of Licensing Board meeting dates for 2017/18 as listed in the appendix to this report;
- 1.3 To note that this matter will require a further report to the newly-established Licensing Board following the 2017 local authority elections.

**2. Main Report**

- 2.1. The 2005 Act allows the Board to make, and publish, rules for its meetings. Paragraph 12, schedule 1 deals specifically with proceedings at Board meetings.
- 2.2. To date the Edinburgh Licensing Board has agreed rules for its meetings, setting the frequency of meetings (monthly) and generally on the last Monday in each month other than during holiday months, particularly July and December.
- 2.3. To ensure a co-ordination between meeting dates scheduled for the Licensing Board and the City of Edinburgh Council and its committees, dates of meetings are agreed annually, several months in advance. A suggested draft schedule of meetings dates for the 2017/18 period is attached, with dates listed up until June 2018.
- 2.4. Details of the dates agreed by the Board will be communicated to the Council to ensure the Council calendar is up to date. Details of meeting dates will also be published online, to ensure that all interested parties are aware of arrangements for Board meetings.
- 2.5. As the Board will require to be reconstituted following the local authority elections in May 2017, it is suggested that a further report will be provided after that date.

**3. Recommendation**

- 3.1 The Board is asked:-
  - (a) To agree the amended set of Rules and draft schedule for Board meetings for 2017/18 as attached.

REPORT – RULES AND SCHEDULE OF MEETINGS – 2017/18

**4. Background**

4.1 Licensing (Scotland) Act 2005 Schedule 1, Paragraph 12

4.2 City of Edinburgh Licensing Board - Rules for Meetings

**Depute Clerk of the Licensing Board**  
**19<sup>th</sup> January 2016**

REPORT – RULES AND SCHEDULE OF MEETINGS – 2017/18

CITY OF EDINBURGH LICENSING BOARD

RULES 2017/18

1. The Board will meet during 2017/18 on the last Monday of every month except in March, June and December. The dates for the meetings up to and including July 2017 were previously agreed (*italics below*). Meetings will commence at 9.30am
2. These Rules will take effect on 30<sup>th</sup> January 2017 and will continue in force until revoked.

Meeting dates 2017	Meeting dates 2018
<i>30 January 2017</i>	29 January 2018
<i>27 February 2017</i>	26 February 2018
<i>27 March 2017</i>	26 March 2018
<i>24 April 2017</i>	30 April 2018
<i>No meeting in May – local government elections</i>	28 May 2018
<i>26 June 2017</i>	25 June 2018
<i>31 July 2017</i>	
<i>28 August 2017</i>	
<i>25 September 2017</i>	
<i>30 October 2017</i>	
<i>4 December 2017</i>	

APPLICATION FOR LICENSED PREMISES GAMING MACHINE PERMIT (FOR MORE THAN 2 CATEGORY C OR D MACHINES)

1. Purpose

1.1 To ask the Board to consider and determine an application for the amendment of a gaming machine permit for liquor licensed premises.

2. Main Report

2.1. The appendix to this report provides details of an application received in connection with a licensed premises gaming machine permit for more than 2 machines. A brief description of children's access for the premises is provided. The applicants have been requested to provide plans showing the proposed layout of gaming machines in the premises.

2.2. There is provision in the Gambling Act 2005 for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. If a premises licence holder wishes to have more than 2 machines, then an application must be made to the Board for a permit and the Board must consider the application based upon the licensing objectives, guidance from the Gambling Commission, and such matters as the Board thinks relevant.

2.3. The Board must have regard to the guidance issued by the Commission. This requires there to be strong and defensible reasons for departing from such guidance (paragraph 26.6 to 26.20 of the Commission's guidance are relevant).

2.4. The Board is reminded that the licensing objectives to be applied are:-

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.5. The Board is reminded that category C and D gaming machines are classified as follows:-

Category	Maximum Stake	Maximum Prize
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize, crane grab machines only	£1	£50
D – money prize	10p	£5
D combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher/penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

**APPLICATION FOR LICENSED PREMISES GAMING MACHINE PERMIT (FOR MORE THAN 2 CATEGORY C OR D MACHINES)**

In its Statement of Licensing Principles, the Board has indicated that it will decide applications on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect an applicant to satisfy the Board that there will be sufficient measures to ensure that under-18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Board that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets or helpline numbers for organisations such as GamCare.

- 2.6. Any gaming machine permit granted by the Licensing Board requires the holders to comply with the Code of Practice for gaming machine permits, laid down by the Gambling Commission. It is not open to the Board to attach conditions to gaming machine permits.
- 2.7. The details of what has been applied for are set out in the attached appendix to this report.

**3. Recommendation**

- 3.1 The Board is requested to consider and determine the application received.

**4. Background Papers**

- 4.1 Gambling Commission – Guidance to Licensing Authorities 5<sup>th</sup> Edition – September 2015 (available on Gambling Commission website or in Licensing offices)
- 4.2 City of Edinburgh Licensing Board – Gambling Statement of Principles adopted 17<sup>th</sup> December 2012

**Depute Clerk of the Licensing Board**

ITEM 4

**THE CITY OF EDINBURGH LICENSING BOARD**

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

**30 January 2017**

THE CITY OF EDINBURGH LICENSING BOARD  
LICENSING (SCOTLAND) ACT 2005  
NOTICE OF APPLICATIONS – GAMING MACHINE PERMIT FOR MORE THAN 2 MACHINES

30 JANUARY 2017

No	Reference	Applicant	Agent Details	Premises	Children's access	No of machines	Decision
1.	346549	JD Wetherspoon (Scot) Limited	Brunton Miller 22 Herbert Street, Glasgow, G20 6NB	The Caley Picture House, 31 Lothian Road, Edinburgh, EH1 2DJ	All public parts.	4 (Currently no machines operating in premises)	

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

**(30 January 2017)**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	342698	Mr Barry Robertson	Mr Barry Robertson 59 Blink O Forth, Prestonpans, EH32 9GB	26 Brougham Street, Edinburgh, EH3 9JH	No	No	Yes	Add seasonal variations and amend children and young persons access to premises. CC	
2.	344581	Sneaky Pete's Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	73 Cowgate, Edinburgh, EH1 1JW	No	No	Yes	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	
3.	344176	Assembly Theatre Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	2 Roxburgh Place, Edinburgh, EH8 9SU	Yes	No	No	To delete the current condition of amplified music and vocals and replace it with a new condition agreed by the Licensing Board, to add off sale hours and to commence on sale from 11am on Sunday CC LSO	



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

**(30 January 2017)**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4	344223	Northern Bowling Club	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	35 Warriston Crescent, Edinburgh, EH3 5LA	No	No	Yes	To delete conditions 2,3 and 4 in the Prmeises Licence. To delete the current condition and replace it with the new conditiion 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	

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

**(30 January 2017)**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5	343444	The Voyage of Buck Limited	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	29-31 William Street, Edinburgh, EH3 7NG	No	No	Yes	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	

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

**30 January 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	347046	Partnership of Katherine M Ness & G Ness	Partnership of Katherine M Ness & G Ness 83 Provost Milne Grove, South Queensferry, EH30 9PL	12 Barclay Terrace, Edinburgh, EH10 4HP	Yes	No	No	11.01.17	Increase on sale hours and capacity. To allow activities outwith core hours and amend details to children's access to premises and approve internal reconfiguration. CC BSR	
2.	347678	Growler Beers UK Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	38 Bernard Street, Edinburgh, EH6 6PR	No	Yes	No	11.01.17	To delete the current condition of amplified music and vocals, to add on sale hours, to permit children and young persons access, to provide an on-sale capacity of 15 and to appoint a new premises manager. CC LSO BSR	

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

**30 January 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	347557	Punch Partnership Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	12-14 Bridge Road, Edinburgh, EH13 0LQ	No	No	No	11.01.17	To remove the local condition, to allow live performances during and outwith core hours and to amend children and young person's access. CC LSO BSR	
4.	342410	NWG Investments Limited	Inn Business (Scotland) Limited Forsyth House, Lomond Court, Castle Business Park, Stirling, FK9 4TU	13 Duke Street, Edinburgh, EH6 8HG	No	No	Yes	11.01.17	Increase on sale hours on Tuesdays to read 06:00 to 22:00 hrs. CC	
5.	347484	Mr Shing Man Raymond Wong	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	42-44 Dalmeny Street, Edinburgh, EH6 8RG	Yes	No	No	11.01.17	To delete the current condition and replace it with the new condition, to amend on sale hours, to add off sale hours, to add seasonal variations and to amend the premises manager address. CC LSO O	

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

**30 January 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
6.	343102	Scotmid Co-Operative	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	114-118 Easter Road, Edinburgh, EH7 5RH	No	Yes	No	11.01.17	To allow opening hours from 07:00 - 22:00 Monday to Sunday and to add recorded music as an activity. CC LSO	
7.	345224	Hard Rock Cafe Edinburgh	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	1f, 18-20 George Street, Edinburgh, EH2 2PF	No	No	No	11.01.17	To amend on and off sales hours on Sunday. CC	
8.	347351	Whisky Trail Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	17 North Bridge, Edinburgh, EH1 1SB	No	Yes	No	11.01.17	To increase capacity, substitute new layout plan and delete current condition on amplified music and replace with new condition agreed by Licensing Board. CC LSO	
9.	345132	The Sargeant Partnership Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Unit 79, Ocean Terminal, 98 Ocean Drive, Edinburgh, EH6 6JJ	Yes	No	No	11.01.17	Commence on Sales from 11:00 hrs on Sundays; add off sales; include deliveries as "other activities" CC	

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

**30 January 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
10.	346860	Royal Yacht Enterprises Ltd	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	Unit 83, Ocean Terminal, 98 Ocean Drive, Edinburgh, EH6 6JJ	Yes	No	No	11.01.17	Increase On sale hours and amend details to children and young person's access to premises. CC LSO	
11.	347061	The Speratus Group Limited	Shepherd & Wedderburn 5th Floor, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8JL	100-102 Rose Street, Edinburgh, EH2 2NN	No	No	Yes	11.01.17	To increase permitted access by children (0-15). CC	

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

**30 January 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
12.	347534	Mrs Carol Williamson	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1190, 87-89 Rose Street North Lane, Edinburgh, EH2 3DX	No	No	Yes	11.01.17	To amend the amplified music condition, to add bar meals and live performances as activities, to explain that the bar meals will be provided to a limited extent by the provision of cold platters, cheeseboards, charcuterie and antipasti and similar items and to commence on and off sale hours form 11am on Sunday. CC LSO	
13.	346050	Lister Square (No53) Limited	G1 Group PLC Hamilton House, 70 Hamilton Drive, Glasgow, G12 8DR	1 South Bridge, Edinburgh, EH1 1LL	No	No	Yes	11.01.17	To amend children's access. CC	

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

**30 January 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
14.	347476	Pia Mowbray Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	9 Shandwick Place, Edinburgh, EH2 4RG	Yes	No	No	11.01.17	To delete the current condition and replace it with the new condition agreed by the Licensing Board. CC LSO	
15.	329568	Malt Shore Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	45 Shore, Edinburgh, EH6 6QU	No	No	Yes	11.01.17	Increase on sale hours, allow activities outwith core hours, increase capacity, amend rights of access for children and young persons , delete current condition on amplified music and replace with new condition agreed by Licensing Board and substitute new layout plan. CC - Tabled LSO BSR	



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

**30 January 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
16.	347730	Caledonian Heritable Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	38 West Nicolson Street, Edinburgh, EH8 9DD	No	No	Yes	11.01.17	To increase capacity, add bar meals, dance facilities, theatre and films as activities, allow activities outwith core hours, permit access to premises by children and young persons, provide that premises may operate as a Festival Venue during Edinburgh Festival and Fringe, change description of premises, delete current conditions on amplified music and replace with new condition agreed by licensing Board and substitute new layout plan. CC LSO - Tabled BSR	

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

**30 January 2017**

09:30

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	340441	The Red Bus Bistro Co Ltd		c/o: Stance 16, Edinburgh Bus Station, Elder Street, Edinburgh, EH1 3DX	No	No	Yes	Bus operating as mobile a touring restuarant bus. CC LSO BSR	

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

**30 January 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	347123	Aldi Stores Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Unit 36, Cameron Toll Shopping Centre, 6 Lady Road, Edinburgh, EH16 5PB	No	Yes	No	11.01.17	Modern supermarket unit within shopping centre in urban location CC BSR	
2.	342266	TSpaces	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	322-324 Ferry Road, Edinburgh, EH5 3NP	No	No	Yes	11.01.17	Family friendly cafe/deli/restaur ant/bar on the corner of South Trinity Road/Ferry Road CC LSO BSR	
3.	347340	Civerinos	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	49 Forrest Road, Edinburgh, EH1 2QP	No	Yes	No	11.01.17	Takeaway premises located on ground floor of tenement building in Forrest Road, Edinburgh. CC LSO BSR	

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

**30 January 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
4.	346862	Mr Raymond Robertson	TLT LLP 140 West George Street, Glasgow, G2 2HG	574 Lanark Road, Juniper Green, EH14 5EL	No	Yes	No	11.01.17	Licensed Deli CC LSO BSR	

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

**30 January 2017**

<b>No</b>	<b>Reference</b>	<b>Applicant</b>	<b>Agent Details</b>	<b>Decision</b>
1.	346159	Nijinsky Jack McHardy Reid		CC

## PERSONAL LICENCE REVIEW – LESLEY GILMOUR

**1. Purpose**

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

**2. Main Report**

- 2.1. Lesley Gilmour 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. In this instance the notification came directly from the police, rather than from the licence holder. A copy of the police letter will be provided with this report, and has been sent to Ms Gilmour.

- 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. Lesley Gilmour 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 – LESLEY GILMOUR

4. **Background Papers**

4.1 Letter from Police Scotland dated 29<sup>th</sup> November 2016

**Depute Clerk of the Licensing Board**

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## 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 reported to the Board on 29<sup>th</sup> November and 19<sup>th</sup> December 2016. Mr Boyanov was not present on either occasion and it was agreed to continue the matter one more time, to the January 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 14<sup>th</sup> October 2016

**Depute Clerk of the Licensing Board**



## 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 reported to the Board on 29<sup>th</sup> November and 19<sup>th</sup> December 2016. Mr Zmijewski was not present on either occasion and it was agreed to continue the matter one more time, to the January 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 14<sup>th</sup> October 2016

**Depute Clerk of the Licensing Board**

PROGRESS REPORT – PREMISES LICENCE – CROFTERS BAR, 1 SIGHTHILL COURT, EDINBURGH

**1. Purpose**

- 1.1 To provide the Board with details of progress reports on the operation of the Crofters Bar premises, following a review hearing conducted in June 2016.

**2. Main Report**

- 2.1. At its meeting on 27<sup>th</sup> June 2016 the Board held a hearing on the terms of a review application submitted by Police Scotland for the Crofters Bar premises, 1 Sighthill Court.
- 2.2. The Board agreed at the conclusion of the hearing to issue a written warning and vary the premises licence by adding the following conditions:-
- Terminal hour 2300
  - Licence holder to ensure a Personal Licence holder is on duty in the premises from 1700 onwards, Fridays and Saturdays
  - No televised sport to be screened in the premises
  - No indoor sports permitted in the premises, including in particular pool or snooker
  - drug and incident management policies are implemented at premises, and staff given appropriate training
  - Licence holder to ensure staff are provided with alcohol awareness training
  - Licence holder to ensure panic alarm installed on premises, thereafter to be maintained in full working order, linked to police or appropriate alarm company
  - Premises not to operate during seasonal variation periods
  - No alcohol shooters to be sold on the premises
- 2.3. The Board also agreed that it would be appropriate to call for progress reports on the operation of the premises, once a period of six months had elapsed. Both Police Scotland and the Council's Licensing Standards Officers were to provide such reports to the Board as were considered necessary.
- 2.4. Update reports will be provided to the Board for consideration

**3. Recommendation**

- 3.1 The Board is asked:-

- (a) to note the terms of the reports provided;
- (b) to decide whether any further monitoring is required.

PROGRESS REPORT – PREMISES LICENCE – CROFTERS BAR, 1 SIGHTHILL COURT, EDINBURGH

**4. Background Papers**

Review application dated 6<sup>th</sup> June 2016

**Depute Clerk of the Licensing Board**

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## LICENSING BOARD

PREMISES LICENCE REVIEW HEARING – WOODLAND CREATURES, 260-262  
LEITH WALK, EDINBURGH**1. Purpose**

- 1.1 To continue the hearing on a premises licence review application for the premises at 260-262 Leith Walk, Edinburgh.

**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. The Board considered the terms of the review application at its meeting on 1<sup>st</sup> August 2016 and agreed that the application was not vexatious or frivolous and that a hearing would be scheduled. The Board also agreed to visit the premises and the applicant's home address in the intervening period. The Board proceeded with a review hearing at the meeting on 31<sup>st</sup> October 2016. Following consideration of representations made at that meeting, the Board agreed to a suggestion from the LSOs Manager that the LSOs would attempt mediation between the parties. The outcome of mediation, and any other relevant matters, would be reported to the Board for consideration at its meeting to be held on 30<sup>th</sup> January 2017.
- 2.5. The premises are described in the licence as being a mid-terraced ground floor public house. The premises licence holder is The Ward Pub Company Limited. The review application was submitted on the basis of noise nuisance emanating from the outdoor drinking area, which it was suggested may be connected with the licensing objective of preventing public nuisance.

PREMISES LICENCE REVIEW HEARING – WOODLAND CREATURES, 260-262  
LEITH WALK, EDINBURGH

- 2.6. The Council's LSOs visited the premises and confirmed that the outdoor drinking area was being used from time to time, but on the basis of the licence holder imposing a 9.30pm curfew (the premises licence permitting its use until 10pm).
- 2.7. 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.
- 2.8. 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 continue the premises licence review hearing; and
- (b) to decide at the conclusion of the hearing what action requires to be taken having regard to the licensing objectives.

**4. Background Papers**

- 4.1 Emailed application for review of premises licence, dated 2<sup>nd</sup> May and 5<sup>th</sup> June 2016.
- 4.2 Report from LSOs on mediation.

**Depute Clerk of the Licensing Board**

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

Police Scotland have subsequently provided a report, which will be provided to the Board for consideration.

2.6. In deciding whether to proceed with a review hearing, the Board has 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. In this instance the application was given initial consideration by the Board at its meeting on 19<sup>th</sup> December 2016, when the licence holder was present with their agent. The Board considered that it would be beneficial to have the applicant present, so that the application could be given due consideration. Board members agreed to continue consideration of the review application to the meeting on 30<sup>th</sup> January 2017.

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.

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

**4. Background Papers**

- 4.1 Letter dated 12<sup>th</sup> October 2016
- 4.2 Letter dated 1<sup>st</sup> November 2016
- 4.3 Police Scotland letter dated 14<sup>th</sup> December 2016

**Depute Clerk of the Licensing Board**