

MINUTES OF MEETING

MONDAY 19th 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 10th and 28th November 2016 for approval

The minutes of the Board's meeting of 10th and 28th 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 10th 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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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