

MINUTES OF MEETING

MONDAY 30th JANUARY 2017

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

Apologies: none

Police Officer: Sergeant John Young

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

Depute Clerk: Morag Leck

1. Minutes of meeting of 19th December 2016 for approval

The minutes of the Board's meeting of 19th December 2016 together with the decision list for that meeting, were presented for approval.

Decision: Minutes and decision list approved.

2. Licensing Board Rules – Dates of Meetings 2017/18

The Depute Clerk referred to a schedule of dates provided by the Council for consideration, for Licensing Board meetings up to and including 25th June 2018. It was confirmed that for those dates set beyond May 2016, the Licensing Board appointed after that date would require to consider matters at a later date.

Decision: the Board agreed to amend its rules to include the schedule of meetings dates for 2017/18, with a further report to go before the new Board.

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

The Depute Clerk advised of an application for Licensed Premises Gaming Machine Permit, where the premises licence holder was looking to place more than two category C/D gaming machines on their premises. The application details, and the Board's decision on the application, are listed in the attached decision list.

Decision: application granted, as per attached decision list.

4. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc

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The Board considered twenty-one applications for variation of existing premises licences, five applications for new premises or provisional premises licences and one application for a personal licence, the decisions for which are as detailed in the list appended to these minutes.

Declarations of interest: none

Divisions:

Variation application – Assembly Theatre Ltd – 2 Roxburgh Place – application to amend condition controlling amplified music and vocals; add offsales; commence onsales 11.00 Sunday.

Councillor Redpath, seconded by Councillor Balfour, moved partial grant of the application as sought, on the basis that the variation of condition controlling amplified music and vocals be refused. Councillor Milligan, seconded by Councillor Barrie, moved grant of the application.

Decision: Following a division, the application was partially granted, on the basis that the variation of condition controlling amplified music and vocals was refused.

Variation application – The Voyage of Buck Ltd – 29-31 William Street – application to amend condition controlling amplified music and vocals.

Councillor Redpath, seconded by Councillor Walker, moved refusal of the application. Councillor Barrie, seconded by Councillor Milligan, moved continuation of the application to allow the applicant to meet again with objectors to consider their concerns.

Decision: Following a division, the application was refused.

Variation application – Growler Beers UK Ltd – 38 Bernard Street – application to amend condition controlling amplified music and vocals; add onsales hours; amend children and young persons' access; amend capacity

Councillor Balfour, seconded by Councillor Redpath, moved refusal of the application. Councillor Milligan, seconded by Councillor Bridgman, moved grant of the application.

Decision: Following a division, the application was granted.

NHS Lothian representations: None

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

5. Personal Licence – Section 82 Notification – Lesley Gilmour

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

The Depute Clerk referred to a notification made by Police Scotland of a conviction for a relevant offence acquired by Lesley Gilmour. The Board noted Ms Gilmour was not present and agreed to continue consideration of the matter to its next meeting.

Decision: the Board agreed to continue the matter, to allow Ms Gilmour to attend.

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 third time of calling.

Decision: The Board agreed to proceed with a hearing in Mr Boyanov's absence. The Board agreed that it was necessary for the purposes of the licensing objectives, to revoke Mr Boyanov's personal licence.

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 third time of calling.

Decision: The Board agreed to proceed with a hearing in Mr Zmijewski's absence. The Board agreed that it was necessary for the purposes of the licensing objectives, to revoke Mr Zmijewski's personal licence.

8. Update Report – 1 Sighthill Court, Edinburgh (Crofters)

Following on from a review hearing for the premises licence for 1 Sighthill Court, held by the Board at its meeting of 27th June 2016, the Board noted the terms of an update report from Police Scotland confirming that there were no further issues which would require further action by the Board.

Decision: the Board agreed to note the terms of the police report.

9. Premises Licence review hearing – updated – 260-262 Leith Walk, Edinburgh (Woodland Creatures)

The Depute Clerk referred to the Board's ongoing consideration of an application for review of the premises licence for 260-262 Leith Walk, for which a hearing had commenced on 31st October 2016. The Board heard further from the applicant, Ms McIntosh, and from the agent for the licence holder, Alistair Macdonald.

After careful consideration of all of the representations made at the meeting, the Board agreed that the mediation process already underway should continue, with

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a view to achieving possible agreement between the parties. The Board called for an update report on the mediation process, at its meeting on 30th April 2017.

The Board noted in the course of the hearing that the licence holders would agree to limit the use of the external area to the rear of their premises, with an 8pm curfew. It was also agreed that they would explore the possibility of a daily break in the use of the area, during the summer months, with the latter being a matter for discussion as part of the mediation process.

Decision: hearing continued for the mediation process to continue. Further report to be made to the Board at its meeting on 30th April 2017.

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

The Depute Clerk referred to an application for review of the premises licence, submitted by a Mr Yule who was present at the Board meeting. Alistair Macdonald was in attendance for the licence holder, together with Graeme Arnott of Caledonian Heritable, the licence holder.

After careful consideration of the representations made Mr Yule, and after hearing from Mr Macdonald and Mr Arnott, the Board agreed that Mr Yule had not set out grounds in his application upon which a review hearing could proceed.

Decision: application for review of premises licence was rejected.

Councillor Eric Milligan
Convener of the Licensing Board

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

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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)	Granted

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

30 January 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	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	GRANTED

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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	GRANTED
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 agrred by the Licensing Board, to add off sale hours and to commence on sale from 11am on Sunday CC LSO	GRANTED variation to include off sales and to amend Sunday commencement REFUSED variation of amplified music and vocals condition (on a division)

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

30 January 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	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	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.	GRANTED Occupancy capacity 40 Applicant to provide amended operating plan
3.	347678	Growler Beers UK Ltd (transferred in interim, to Stewart Brewing Limited)	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	38 Bernard Street, Edinburgh, EH6 6PR	No	Yes	No	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.	GRANTED (on a division)
4.	347557	Punch Partnership Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	12-14 Bridge Road, Edinburgh, EH13 0LQ	No	No	No	To remove the local condition, to allow live performances during and outwith core hours and to amend children and young persons access.	GRANTED

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5.	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	Increase on sale hours on Tuesdays to read 06:00 to 22:00 hrs.	GRANTED
6.	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	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.	GRANTED Children until 2300 Young persons until 0100
7.	343102	Scotmid Co-Operative	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	114-118 Easter Road, Edinburgh, EH7 5RH	No	Yes	No	To allow opening hours from 07:00 - 22:00 Monday to Sunday and to add recorded music as an activity.	GRANTED
8.	345224	Hard Rock Cafe Edinburgh	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	1f, 18-20 George Street, Edinburgh, EH2 2PF	No	No	No	To amend on and off sales hours on Sunday.	GRANTED
9.	347351	Whisky Trail Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	17 North Bridge, Edinburgh, EH1 1SB	No	Yes	No	To increase capacity, substitute new layout plan and delete current condition on amplified music and replace with new condition agreed by Licensing Board.	GRANTED

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10.	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	Commence on Sales from 11:00 hrs on Sundays; add off sales; include deliveries as "other activities"	GRANTED
11.	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	Increase On sale hours and amend details to children and young persons access to premises.	GRANTED Children accompanied at all times – 2300, unless attending private function 0100 Young persons to be accompanied after 2300
12.	347061	The Speratus Group Limited	Shepherd & Wedderburn 5th Floor, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL	100-102 Rose Street, Edinburgh, EH2 2NN	No	No	Yes	To increase permitted access by children (0-15).	GRANTED

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13.	347534	Mrs Carol Williamson	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1f90, 87-89 Rose Street North Lane, Edinburgh, EH2 3DX	No	No	Yes	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 extend 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.	GRANTED
14.	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	To amend children's access.	GRANTED
15.	347476	Pia Mowbray Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	9 Shandwick Place, Edinburgh, EH2 4RG	Yes	No	No	To delete the current condition and replace it with the new condition agreed by the Licensing Board.	GRANTED

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16.	329568	Malt Shore Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	45 Shore, Edinburgh, EH6 6QU	No	No	Yes	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.	CONTINUED FOR SITE VISIT
16.	347730	Caledonian Heritable Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	38 West Nicolson Street, Edinburgh, EH8 9DD	No	No	Yes	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.	CONTINUED FOR SITE VISIT

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

30 January 2017

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	GRANTED Outdoor drinking withdrawn by applicant Sunday commencement 1100 Route as per details provided with application Condition – amplified music and vocals – no audible nuisance

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

30 January 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	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	Modern supermarket unit within shopping centre in urban location	GRANTED
2.	342266	TSpaces	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	322-324 Ferry Road, Edinburgh, EH5 3NP	No	No	Yes	Family friendly cafe/deli/restaur ant/bar on the corner of South Trinity Road/Ferry Road	GRANTED Outdoor drinking to cease at 2200 Condition – amplified music and vocals – no audible nuisance Young persons' access not extended by Seasonal variation

3.	347340	Civerinos	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	49 Forrest Road, Edinburgh, EH1 2QP	No	Yes	No	Takeaway premises located on ground floor of tenement building in Forrest Road, Edinburgh.	GRANTED Condition – amplified music and vocals – no audible nuisance 3m shelving – off sales Board noted major variation to follow, re use of premises as restaurant
4.	346862	Mr Raymond Robertson	TLT LLP 140 West George Street, Glasgow, G2 2HG	574 Lanark Road, Juniper Green, EH14 5EL	No	Yes	No	Licensed Deli	GRANTED Condition – amplified music and vocals – no audible nuisance 31.2m shelving – off sales Activities commence 0800

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

30 January 2017

No	Reference	Applicant	Agent Details	Decision
1.	346159	Nijinsky Jack McHardy Reid		Continued