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LICENSING BOARD

MINUTES OF MEETING

MONDAY 27th FEBRUARY 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: Tom Veitch (Licensing Standards Manager); Ken Fairgrieve (LSO); Colin McCulloch (Building Standards)

Depute Clerk: Nick Fraser

1. Minutes of meeting of 30th January 2017 for approval

The minutes of the Board's meeting of 30th January 2017 together with the decision list for that meeting, were presented for approval.

Decision: Minutes and decision list 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 nineteen applications for variation of existing premises licences, six applications for new premises or provisional premises licences and three applications for personal licences, the decisions for which are as detailed in the list appended to these minutes.

Declarations of interest: none

Divisions (details of applications shown on attached decision list):

Variation application – Caledonian Heritable Ltd – 38 West Nicolson Street

Councillor Walker, seconded by Councillor Bridgman, moved grant of the application as sought, with the full capacity as requested by the applicant. Councillor Balfour, seconded by Councillor Booth, moved grant of the application, subject to a reduced capacity as recommended by the Council's Building Standards team.

Decision: Following a division, the application was granted as sought.

Premises licence application – Shell UK Oil Products Ltd – 143 Crewe Road

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

◆ EDINBURGH ◆

LICENSING BOARD

Councillor Barrie, seconded by Councillor Bridgman, moved grant of the application, on the basis that the premises were not considered to be excluded premises in terms of section 123(5) of the 2005 Act. Councillor Booth, seconded by Councillor Redpath, moved refusal of the application on the basis that the premises were excluded premises in terms of section 123 of the 2005 Act.

Decision: Following a division, the application was granted.

Premises licence application – Shell UK Oil Products Ltd – 50 Dreghorn Link

Councillor Booth, seconded by Councillor Redpath, moved refusal of the application, on the basis that the premises were excluded premises in terms of section 123 of the 2005 Act. Councillor Barrie, seconded by Councillor Bridgman, moved grant of the application on the basis that the premises were not considered to be excluded premises in terms of section 123(5) of the 2005 Act.

Decision: Following a division, the application was granted.

Premises licence application – Shell UK Oil Products Ltd – 166 Glasgow Road

Councillor Booth, seconded by Councillor Redpath, moved refusal of the application, on the basis that the premises were excluded premises in terms of section 123 of the 2005 Act. Councillor Barrie, seconded by Councillor Work, moved grant of the application on the basis that the premises were not considered to be excluded premises in terms of section 123(5) of the 2005 Act.

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.

3. Personal Licence – Notification – Lesley Gilmour

The Depute Clerk referred to a notification of a conviction for a relevant offence acquired by Ms Gilmour. After hearing from Ms Gilmour, the Board agreed that it was not necessary for the purposes of the licensing objectives to take action with her personal licence.

Decision: conviction details noted.

4. Personal and Premises Licences – Notification – Nicholas Whewell

The Depute Clerk referred to a notification of a conviction for a relevant offence acquired by Mr Whewell. He had asked for the matter to be continued so that he

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LICENSING BOARD

could attend the Board. The Board agreed to continue consideration of the notification to its next meeting.

Decision: continued to 27th March 2017

5. Premises Licence Review Proposal – 5a Union Street, Edinburgh (Sicilian Restaurant)

The Depute Clerk reported that the premises licence annual fees for 2015/16 and 2016/17 for 5a Union Street remained outstanding, in spite of attempts to obtain payment. The premises licence holder had departed from the premises, which were no longer being used by them for the sale of alcohol.

The Board agreed to make a review proposal on the basis of the unpaid fees, and agreed that it was necessary in the circumstances to revoke the premises licence.

Decision: premises licence revoked

Councillor Eric Milligan
Convener of the Licensing Board