

◆ EDINBURGH ◆

LICENSING BOARD

MINUTES OF MEETING

MONDAY 24th APRIL 2017

Members present: Councillors Eric Milligan (Convener); Jeremy Balfour; Gavin Barrie; Chas Booth; Mike Bridgman; Nick Cook; 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); Muir Somerville (Building Standards Team Manager); Colin McCulloch (Building Standards)

Depute Clerk: Nick Fraser (Morag Leck for Item 7)

1. Minutes of meeting of 27th March 2017 for approval

The minutes of the Board's meeting of 27th March 2017 together with the decision list for that meeting, were presented for approval.

Decision: Minutes and decision list approved

2. Extended Hours – Seasonal Variations – Festival 2017

The Depute Clerk reported to the Board that in terms of its Statement of Licensing Policy, the Board would have to designate the period during which premises licences which included seasonal variations in their operating plans would be able to benefit from additional on-sales trading hours during the 2017 Festival period.

Decision: The Board agreed that the Festival Extended Hours period would operate between 4th and 28th August 2017 inclusive.

3. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list

The Board considered eighteen applications for variation of existing premises licences, four 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: none

NHS Lothian representations: none

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

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

4. Premises Licence Review Hearing – 155-157 Restalrig Road (Restalrig Post Office)

The Depute Clerk advised the Board of the requirement to hold a review hearing, following its decision at its 27th March meeting to agree to hold a hearing on the review application submitted by the Home Office Immigration Service for the premises licence held by Zahid Iqbal. Simon Myszker was present from the Immigration Team and Alistair Macdonald was in attendance with Zahid Iqbal and his brother Sajid Iqbal, the premises manager.

The Board heard from Mr Myszker on the terms of the review application and noted the terms of an LSO report provided by Tom Veitch. The Board heard from Alistair Macdonald on behalf of Zahid and Sajid Iqbal.

Following consideration of the representations made, the Board agreed that it was necessary for the purposes of the licensing objectives, and having particular regard to the mandatory conditions of licence, to issue the premises licence holder with a written warning.

Decision: premises licence holder issued with a written warning

5. Premises Licence Review – Update – 260/262 Leith Walk (Woodland Creatures)

The Depute Clerk referred the Board to its decision at its meeting on 30th January 2017 to further continue the review hearing for the Woodland Creatures premises, for a further period of mediation between the parties involved. The Board received a report from Tom Veitch, confirming the up to date position with the mediation.

The Board heard from the review applicant, Elaine McIntosh and from Alistair Macdonald on behalf of the licence holder. Mr Macdonald was accompanied by Chelsea Ward, from the premises.

The Board noted that it had not been possible for the parties to reach agreement through the mediation process. The Board noted that the licence holder was prepared to agree to curtail the use of the outside area to the rear of the premises. The Board agreed that, having regard to the licensing objective of preventing public nuisance, it was necessary to vary the premises licence, confirming the terminal hour for the outside area would be:-

1st June – 31st August (inclusive) – 21:00

Remainder of the year (1st September – 31st May) – 20:00

Decision: the Board agreed to vary the premises licence, adding a condition controlling the use of the external area to the rear of the premises.

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

6. Premises Licence Review Hearings – Unpaid Annual Fees – 2016/17

The Depute Clerk advised the Board that, having agreed at the meeting of 27th March to make review proposals in respect of a number of premises where the annual fees for 2016/17 remained outstanding, it was necessary to hold review hearings for each.

The Board noted the details of the various premises and that the Council's LSOs had carried out visits to the premises in each case. The Board was advised of the individual circumstances of premises where fees remained outstanding.

The following premises were noted as no longer operating:-

17f South Gyle Crescent – Gupta Nitin
340 Gorgie Road – Wojciech Banaszek
10 Halmyre Street – Mohammed Aslam
7-8 Baxter's Place – Ian Bell
11a-15a William Street – Tourist Services (Edinburgh) Limited
229 Morningside Road – Stuart Dinning
139 Bruntsfield Place – Gourmet Kitchens (Edinburgh) Limited
28 Granton Road – Partnership of Rossano and Antonella Marcantonio
30-32 Bridge Road – Partnership of Anupam Mathur and Sabkit Mathur
230-232 Gorgie Road – MLCG Limited
53 Tower Street Edinburgh – Wine Dine Relax Limited
318 Portobello High Street – Abdul Jabbar
31 Prestonfield Avenue – Nasem Iqbal & Mohammed Ibrahim
30 Canonmills – Mako Property Limited
200 Mayfield Road – Leonard Jack
26 Howe Street – Black Stag Whisky Limited
27 Lanark Road – Lanark West Limited
44 Biggar Road – Apres Restaurants Limited

and in each case the Board agreed that it was necessary to **revoke** the premises licence.

The Board was then advised of the individual details of the following premises where the annual fees remained outstanding, but the LSOs were able to confirm that the premises were still operating:-

44 Ratcliffe Terrace – Peter Kwok
6-8 Morningside Drive – Stephen Harper
367 Broomhouse Road – Tahir Javaid
17 Dalry Road – Foysol Choudhury
9a West Maitland Street – Pierre Pelletier
542 Gorgie Road – Muhammed Asim Arian
132 Gorgie Road – Chaudhery Mohammed Nasir
69-71 Bread Street – Paola Crolla
126 Nicolson Street – Christine Longstaff

and in each case the Board agreed that it was necessary to **suspend** the premises licence for four weeks, or until payment of the annual fee was confirmed as having been made, whichever was earlier.

Decision: The Board agreed having regard to the licensing objectives and information about breaches of the mandatory conditions of licences (1) to revoke the premises licences referred to above where the premises were confirmed as no longer operating, and (2) to suspend a number of premises licences referred to above as still operating, for a four week period or until payment of the outstanding fees was confirmed as having been made.

7. Equality Act 2010 – Licensing Board Policy and Equality Outcomes

The Depute Clerk referred to the terms of a report, advising the Board of its obligations as a public authority in terms of the Equality Act 2010. The Board noted the requirement to publish an update on progress in achieving its previously agreed Equality and Rights Outcomes.

The Board considered the terms of the report and agreed the recommendations contained therein.

Decision: the Board agreed the following:-

- (a) To note the terms of the Licensing Board Equality and Rights Outcomes 2017 Update
- (b) To approve the terms of the draft licensing questionnaire, to be made available to applicants and others involved in the liquor licensing process
- (c) To authorise the Clerk to publicise the Equality and Rights Outcomes 2017 Update, by publishing these on the Council's website

Councillor Eric Milligan
Convener of the Licensing Board

LICENSING (SCOTLAND) ACT 2005

CONTINUED VARIATION OF PREMISES LICENCE APPLICATIONS

24 April 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	351383	Heriot's Cricket Club	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	109 Inverleith Row, Edinburgh, EH3 5QL	Yes	No	Yes	To increase on sale hours and add off sales, include balcony as part of licensed area, add Indoor/Outdoor Sports as an activity, amend details on Children and Young Persons access to premises, amend details to seasonal variations, submit new layout plan and 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 Outdoor drinking to cease at 2200 Condition – amplified music and vocals – no audible nuisance Board noted that minor variation application has been lodged to make corrections to layout plan for premises.

TRANSFER & VARIATION OF PREMISES LICENCE APPLICATIONS

24 APRIL 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	351197	The Jupiter Artland Company Limited	Macdonald Licensing, 21a Rutland Square, Edinburgh	"Bonnington House", Bonnington, Kirknewton, EH27 8BB	No	No	Yes	To increase capacity, amend on & off sale hours, add dance facilities, provide a retail area, add additional activities, amend the layout, change the premises description	GRANTED Condition – amplified music and vocals – no audible nuisance
2.	353948	Earthwire Limited	Earthwire Limited C/o Nka Accountants Lynedoch Place, Glasgow, G3 6AB	16 Drummond Street, Edinburgh, EH8 9TX	No	No	Yes	To amend the licence holder of the premises, to amend the description of the premises, to amend the premises manager and to amend children's and young person's access.	GRANTED Children, accompanied until 2300; young persons until 0100

VARIATION OF PREMISES LICENCE APPLICATIONS

24 APRIL 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	351803	Historic Environment Scotland Enterprises Limited	Ms Kathleen Rock Longmore House, 12 Salisbury Place, Edinburgh, EH9 1SL	Edinburgh Castle, 362 Castlehill, Edinburgh, EH1 2NG	No	Yes	No	To increase capacity.	GRANTED The Board noted that the layout plan would be corrected to show the offsales area as a continuous display area

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2.	353978	Punch Partnership Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	58 Constitution Street, Edinburgh, EH6 6RS	No	No	Yes	To remove the current music conditions on amplified music and vocals and to replace it with the new condition, to amend on sale hours on Sunday, to add bar meals and outdoor facilities as activities, to provide that the premises may be open prior to core hours, to amend childrens access and to provide internal reconfiguration.	GRANTED AS AMENDED:- Applicant amended application, removing "to amend childrens access" Outdoor drinking to cease at 2200 Condition – amplified music and vocals – no audible nuisance
3.	353794	The Restaurant Group (UK) Limited	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	Unit 3, 130 Dundee Street, Edinburgh, EH11 1AF	No	No	Yes	To add live perfromaces as activities, to amend the capacity and to replace the layout plan	GRANTED

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4.	353945	Mr James Roderick Gammell	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Foxhall, Foxhall, Kirkliston, EH29 9ER	No	No	Yes	To delete the current condition on amplified music and vocals and to replace it with the new condition agreed by the Board, to change the name of the premises, to add dance facilities, theatre, films gaming, add indoor/outdoor sports as activities, to add seasonal variations for the Festive period only, to provide for a barbeque and a dispense bar in the outside area and to amend the layout plan	GRANTED Condition – amplified music and vocals – no audible nuisance Board noted applicant had amended operating plan to confirm children and Young persons access would not be extended during seasonal variations.
5.	353984	Troy Management Services (George) Limited	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	15-25 George Street, Edinburgh, EH2 2PA	No	No	Yes	To increase off sale capacity and to add a new bar on ground floor	GRANTED

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6.	353510	Miss Celena Collins	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	103 High Riggs, Edinburgh, EH3 9RP	Yes	No	No	To delete the current condition on amplified music and replace it with the new condition, to increase the on sale hours to 10pm Sunday to Thursday and 3am on Friday and Saturday, to amend the seasonal variation provision, to add films as an activity and to provide that children and young persons will require to vacate the premises by 10pm.	GRANTED AS AMENDED:– applicant amending terminal hour on Friday and Saturday to 10pm. Condition – amplified music and vocals – no audible nuisance Capacity - 30
7.	351593	Savour Cafe Ltd	Savour Cafe Ltd 1 Brassey Road, Shrewsbury, Shropshire, SY3 7FA	1 Lister Square, Edinburgh, EH3 9GL	Yes	No	No	Add receptions, recorded music and live performances as activities.	GRANTED Condition – amplified music and vocals – no audible nuisance

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8.	353923	Surgeons Lodge Limited	Mr Andrew D Williams WS 24 Canning Street, Edinburgh, EH3 8EG	Surgeons Hall & Campus, Nicolson Street, Edinburgh	Yes	No	No	Surgeons Hall and Campus, including the Prince Philip Building, Surgeon Hall and the Queensferry Building To add off sale hours, to increase the capacity of the premises, to increase the licensed area, to change the postal address of the premises, and to change the discription of premises.	CONTINUED to 26 th June 2017
9.	351537	Queensberry Bowling Club	Queensberry Bowling Club 16 Pilton Drive North, Edinburgh, EH5 1NX	16 Pilton Drive North, Edinburgh, EH5 1NX	No	No	Yes	To add seasonal variations and include under 5 year old children access to premises.	GRANTED
10.	354372	GTS Solutions CIC	TLT LLP 140 West George Street, Glasgow, G2 2HG	7a Randolph Place, Edinburgh, EH3 7TE	No	No	Yes	To amend on sale hours, to add restaurant, bar meals club meetings, outdoor drinking, conference facilities, dance, theatre and TV Sport as activities, to add food and wine dinnes as other activities and to provide that the premises may open prior to core hours but not before 7.30am	GRANTED AS AMENDED:- amendment by applicant – no seasonal variation for Thursdays, Fridays and Saturdays Outdoor drinking to cease at 2200

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11.	353712	Trust Inns Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	49 Rose Street, Edinburgh, EH2 2NH	No	No	Yes	To amend on and off sale hours, to add Receptions and Indoor/Outdoor Sports as activities and to provide that certain activities may take place during Seasonal Variations or with the benefit of an Extension of Permitted Hours.	GRANTED
12.	352381	Whitbread Group Plc	John Gaunt & Partners Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT	64-66 Rose Street, Edinburgh, EH2 2NN	Yes	No	No	Increases on sale hours, add films and outdoor drinking as activities and submit new layout plans.	GRANTED Outdoor drinking to cease at 2200 Capacity 318
13.	353938	Fuller Thomson Heritable Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	22-26 South Clerk Street, Edinburgh, EH8 9PR	No	No	Yes	To delete the current condition on amplified music and vocals and to replace it with the new condition and to add TV Sport, Indoor/Outdoor sports and films as activities.	GRANTED Condition – amplified music and vocals – no audible nuisance

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14.	351322	Wagamama Limited	Pinsent Masons, 141 Bothwell Street, Glasgow, G2 7EQ	Unit 5, South St Andrew Square, Edinburgh, EH2 2BD	No	No	Yes	To add live perfonaces, to add outdoor drinking facilities, to incease the capacity, to allow activities outwith core hours,to add sale of cookery books and other cooking related items and all other activies related to the normal operation of the premises as a restauarant and to replace the existing layout plan.	GRANTED Outdoor drinking to cease at 2200 Capacity - 225
15.	353519	Sabod Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1 York Place, Edinburgh, EH1 3EB	No	No	Yes	To delete the current condition on amplified music and vocals and replace it with the new condition, to increase the on sale hours, to add outside drinking and TV sport as activities and to substitute a new layout plan.	GRANTED Outdoor drinking to cease at 2200 Condition – amplified music and vocals – no audible nuisance

PROVISIONAL PREMISES LICENCE APPLICATIONS

24 APRIL 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	353682	Mr Mark Kerr	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	4 Canaan Lane, Edinburgh, EH10 4SY	Yes	No	No	Guesthouse / Boutique Hotel located on two floors	GRANTED Outdoor drinking to cease at 2200 Condition – amplified music and vocals – no audible nuisance Capacity - 12
2.	353686	Mr Sivan Kobani	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	97-101 Morrison Street, Edinburgh, EH3 8BX	No	No	Yes	Restaurant premises located in the ground floor and basement (no public access in the basement) of a tenement building	GRANTED Condition – amplified music and vocals – no audible nuisance Takeaways during licensed hours Capacity - 40

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3.	353658	Partnership of Zak Hanif and Aytac Gul	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	65 Shore, Edinburgh, EH6 6RA	No	No	Yes	Cafe premises located on corner site on The Shore, on ground floor, with mezzanine level, in a tenement building	GRANTED as amended by applicant Sun – Thurs – 2300 closing Fri – Sat – 0000 closing Condition – amplified music and vocals – no audible nuisance Capacity - 40
4.	353906	Devils Advocate Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	41-42 St Andrew Square, Edinburgh, EH2 2AD	No	No	Yes	Cafe/Bar/Restaurant located on ground floor and lower ground floor and forming part of a major building.	GRANTED Condition – amplified music and vocals – no audible nuisance Capacity - 200

PERSONAL LICENCE APPLICATIONS

24 April 2017

No	Reference	Applicant	Agent Details	Decision
1.	350512	Susan Margaret Charlton	Training Information Centre, Egerton House, 2 Tower Road, Birkenhead, CH41 1FN	CONTINUED – 26 th June 2017
2..	354991	Rouein Madai Hajirpiridou	Training Information Centre, Egerton House, 2 Tower Road, Birkenhead, CH41 1FN	GRANTED
3.	355172	Cristian Scarlat		REFUSED