

# ◆ EDINBURGH ◆

LICENSING BOARD

## MINUTES OF MEETING

MONDAY 27<sup>th</sup> MARCH 2017

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

**Apologies: Gavin Barrie**

**Police Officer: Sergeant John Young**

**Council Officers present: Tom Veitch (Licensing Standards Manager); Gillian Moore (LSO); Muir Somerville (Building Standards Team Manager); Colin McCulloch (Building Standards)**

**Depute Clerk: Morag Leck**

### **1. Minutes of meeting of 27<sup>th</sup> February 2017 for approval**

The minutes of the Board's meeting of 27<sup>th</sup> February 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 twelve applications for variation of existing premises licences, two applications for new premises or provisional premises licences and five 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 – Kaagobot Ltd – 2 Lauriston Street*

Councillor Booth, seconded by Councillor Balfour, moved refusal of the application having regard to the licensing objective of preventing public nuisance. Councillor Cook, seconded by Councillor Bridgman, moved grant of the application as sought.

**Decision:** Following a division, the application was refused.

*Variation application – Kast Scotland Ltd – 216-218 Easter Road*

Councillor Milligan, seconded by Councillor Cook, moved grant of the application as sought. Councillor Booth, seconded by Councillor Redpath, moved for continuation of the application to allow for a period of monitoring of the operation of the premises.

**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 and Premises Licences – Notification – Nicholas Whewell**

The Depute Clerk advised the Board of notifications received for a conviction for a relevant offence acquired by Mr Whewell. The Board noted the details of the conviction as reported by Sergeant Young, then heard from Mr Whewell. The Board agreed that it was not necessary for the purposes of the licensing objectives to take any action with either of Mr Whewell's licences.

**Decision:** conviction details noted

### **4. Premises Licences – Notification – Asda**

The Depute Clerk referred to a notification made by Asda Stores Limited for a conviction for a relevant offence, for consideration in relation to the premises licences held by them in the Board's area. The Board agreed, having noted the conviction details, that it was not necessary for the licensing objectives to take any action with the premises licences.

**Decision:** conviction details noted

### **5. Premises Licences – Notification – Martin McColl Limited**

The Depute Clerk referred to a notification made by Martin McColl Limited for a conviction for a relevant offence, for consideration in relation to the premises licences held by them in the Board's area. The Board agreed, having noted the conviction details, that it was not necessary for the licensing objectives to take any action with the premises licences.

**Decision:** conviction details noted

### **6. Premises Licence Review Application – 155-157 Restalrig Road (Restalrig Post Office)**

The Depute Clerk advised the Board of an application for review of the premises licence for 155-157 Restalrig Road, submitted by the Home Office Immigration Team. Sergeant Young confirmed the details of the application, on behalf of the Immigration Team. Alistair Macdonald was present with the premises licence holder, Zahid Iqbal. He suggested that the details of the application for review

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

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were such that it would be more appropriate for the Board to proceed with a separate hearing on the personal licence held by the premises manager, rather than reviewing the premises licence.

Councillor Milligan, seconded by Councillor Booth, moved that the Board note the details of the application but that it was not necessary to proceed with a hearing. Councillor Cook, seconded by Councillor Day, moved that the application set out matters which were relevant to the licensing objectives and therefore it was necessary to hold a review hearing. Following a division, the Board agreed to set a date for a review hearing and asked that a representative from the Immigration Service should be in attendance.

**Decision:** date to be set for a hearing on the premises licence review application.

### 7. Premises Licence Proposals – Unpaid Annual Fees – 2016/17

The Depute Clerk advised of a number of premises licences where annual fees due for the period 2016/17, which had become due at the beginning of October 2016, remained outstanding. She referred to a list of premises (as attached), which had been published on the Council's website. Since publication, a number of premises licence holders had been confirmed as having paid their fees, as follows:-

256292	159a-163a Bruntsfield Place	700	Montpeliers (Edinburgh) Limited
251787	51 Restalrig Road	220	Mr Nisar Akhtar
305759	21 Old Fishmarket Close	280	Rutland Management Resource Limited
250052	21 George Iv Bridge	280	Gonzalo Serrat
252716	17 Portland Place	220	Earl Antonio Robinson
323179	36c Warriston Gardens	180	Carlton Bridge Club
250978	90 Hanover Street	500	The Partnership of Isabelle Hamilton and Angelo Pontone
253348	1 Antigua Street	500	Preziosa Chiara (Pearl) Crolla Or Ferri
323075	43 Assembly Street	220	Khubla Khans Limited
252457	68-70 Walter Scott Avenue	220	Mr Faqir Mohammed
253074	118 Biggar Road	700	Thistle Pub Company Plc
252290	20a Inverleith Row	900	Sodexo Limited
331249	7a Inverleith Row	180	Sodexo Limited
323179	36c Warriston Gardens	180	Carlton Bridge Club
252698	3 Southhouse Broadway	280	Mrs Surria Khan
322968	29-31 William Street	280	The Voyage of Buck Ltd
332055	87 Hanover Street	280	Damas Edinburgh Ltd

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The Board agreed that with regard to the remainder, where fees remained outstanding, it would make premises licence review proposals and that hearings would be held at its next meeting.

**Decision:** the Board noted the details of premises where annual premises licence fees for 2016/17 remained outstanding. On the basis of a breach of licensing conditions, the Board agreed to make review proposals in each case, and that review hearings would be held for each.

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

Applicant	Premises	Children's access	No of machines	Decision
Barshelf 2 Ltd	McCowans Brew House, 134 Dundee Street, Edinburgh, EH11 1AF	All public parts.	4  (Currently 3 machines operating in premises)  No Representations	GRANTED

### 9. Public Sector Equality Duty – Update

The Board noted that a report would be presented at the next meeting, regarding the ongoing requirements of the Public Sector Equality Duty and the Board's requirements to update its policy and assess progress on its agreed Equality Outcomes.

Councillor Eric Milligan  
Convener of the Licensing Board

**LICENSING (SCOTLAND) ACT 2005**  
**CONTINUED VARIATION OF PREMISES LICENCE APPLICATIONS**

**27 March 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	348810	Kaagobot Limited	Brunton Miller Herbert House, 22 Herbert Street, GLASGOW, G20 6NB	2 Lauriston Street, Edinburgh, EH3 9DJ	No	No	Yes	Amend music condition	REFUSED  (on a division)

**VARIATION OF PREMISES LICENCE APPLICATIONS**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	346685	Kast Scotland Limited	Kast Scotland Limited Flat 1, 137 Restalrig Road, Edinburgh, EH7 6HN	216-218 Easter Road, EH7 5QH	No	No	Yes	To delete the current condition on amplified music and vocals and to replace it with the new condition	GRANTED  (on a division)

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2.	351373	Civerinos Edinburgh Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	49 Forrest Road, Edinburgh, EH1 2QP	No	Yes	No	To add on sale hours, to increase off sale hours, to add seasonal variations, to add restaurant facilities, receptions and club meetings as activities, to provide that certain activities may take place during periods of Extended Hours or Seasonal Variations, to provide access for children and young persons, to substitute a new layout plan and to change the description of the premises.	GRANTED  Licence Holder to liaise with Building Standards, regarding changes to layout
3.	351352	Merefern Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	9a George IV Bridge, Edinburgh, EH1 1EE	No	No	Yes	To replace current layout plans with new layout plans showing the full licensed area, including the toilets, ventilation and plant room	GRANTED
4.	351013	The Restaurant Group UK Limited	Pinsent Masons 141 Bothwell Street, GLASGOW, G2 7EQ	1f, 235 High Street, Edinburgh, EH1 1PE	Yes	No	No	Increase capacity, allow activities outwith core hours and submit new layout plan.	GRANTED

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5.	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	CONTINUED, noting concerns from Building Standards regarding potential deficiencies in layout plan
6.	351433	Mellis Cheese Limited	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	330 Morningside Road, Edinburgh, EH10 4QJ	No	Yes	No	To delete the current condition on amplified music and vocals and to replace it with the new condition, to add on sale hours, to add seasonal variations, to add restaurant facilities and receptions as activities, to provide access for children and young persons, to provide on sale capacity for on sale of 20, to increase the alcohol display area, to replace the layout plan, to change the description of the premises and to amend the premises manager.	GRANTED as amended (applicant withdrew part of application seeking to add seasonal variations)

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7.	351355	Grangeview Limited	TLT Hobart House, 80 Hanover Street, Edinburgh, EH2 1EL	192-194 Morrison Street, Edinburgh, EH3 8EB	No	No	Yes	Increase on and off sale hours, add gaming as an activity and allow activities outwith core hours.	GRANTED  Condition – amplified music and vocals – no audible nuisance
8.	350087	Lidl UK GmbH	Harper Macleod LLP 15 Cordon Street, Glasgow, G1 3PE	100 Niddrie Mains Road, Edinburgh, EH16 4DT	No	Yes	No	Increase Capacity	GRANTED  85.12m display shelving
9.	351088	Pizza Hut (UK) Limited	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	46 North Bridge, Edinburgh, EH1 1QN	Yes	No	No	To include outdoor drinking facilities and to include seating area; reconfiguration of seating; general refurbishment of premises	GRANTED  Outdoor drinking to cease at 2200
10.	351417	Partnership Of Antonietta And Alberto Pia	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	36-38 North Junction Street, Edinburgh, EH6 6HP	No	Yes	No	To increase hours, add deliveries, tv sport and recorded music as activities and allow activities outwith core hours	GRANTED  8m display shelving
11.	349070	Edinburgh SNP Club	Edinburgh SNP Club 1f1, 16 North St Andrew Street, Edinburgh, EH2 1HJ	1f1, 16 North St Andrew Street, Edinburgh, EH2 1HJ	Yes	No	No	Increase on sale hours and amend details of children and young persons access to premises, add conference facilities, live performances and films as activities and allow activities outwith core hours.	GRANTED  Condition – amplified music and vocals – no audible nuisance



**CONTINUED NEW PREMISES LICENCE APPLICATIONS**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	347550	Caledonian Heritable Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	3-5 St Mary's Street, Edinburgh, EH1 1TA	Yes	No	No	Traditional Public House located on the ground floor of premises in St Mary's Street, Edinburgh	GRANTED  Children accompanied until 2300, young persons until 0100 – upstairs seating area  Condition – amplified music and vocals – no audible nuisance

**NEW PREMISES LICENCE APPLICATIONS**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	351349	Whisky Trail Ltd	MacDonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	229 Canongate, Edinburgh, EH8 8BJ	No	Yes	No	Ground floor retail located on Canongate, Edinburgh	GRANTED  Condition – amplified music and vocals – no audible nuisance  Capacity 169 metres of shelving

**PERSONAL LICENCE APPLICATIONS**

No	Reference	Applicant	Agent Details	Decision
1.	352950	James Brian Robert Bastow		GRANTED
2.	350512	Susan Margaret Charlton		CONTINUED
3.	348186	Ian William Douglas		GRANTED, with requirement that Mr Douglas to complete refresher training
4.	351469	Mark Innes		GRANTED
5.	346159	Nijinsky Jack McHardy Reid		GRANTED