

# ◆ EDINBURGH ◆

LICENSING BOARD

## MINUTES OF MEETING

MONDAY 24<sup>th</sup> 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 27<sup>th</sup> March 2017 for approval**

The minutes of the Board's meeting of 27<sup>th</sup> 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 4<sup>th</sup> and 28<sup>th</sup> 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 27<sup>th</sup> 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 30<sup>th</sup> 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:-

1<sup>st</sup> June – 31<sup>st</sup> August (inclusive) – 21:00

Remainder of the year (1<sup>st</sup> September – 31<sup>st</sup> 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 27<sup>th</sup> 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