

# ◆ EDINBURGH ◆

LICENSING BOARD

## MINUTES OF MEETING

MONDAY 25<sup>th</sup> SEPTEMBER 2017

**Members present: Councillors Norman Work (Convener); Mary Campbell; Joanna Mowat; Callum Laidlaw; Gillian Gloyer; Lezley Marion Cameron; Nick Cook; Cammy Day; Cathy Fullerton**

**Apologies: Councillor David Key**

**Police Officer: Sergeant John Young; Chief Inspector James Jones (for item 2)**

**Council Officers present: Tom Veitch (Licensing Standards Manager); Muir Ken Fairgrieve (LSO); Colin McCulloch (Building Standards); Keith Clark (Building Standards)**

**NHS Lothian: Jim Sherval**

**Depute Clerk: Nick Fraser; Morag Leck (item 7)**

### **1. Minutes of meeting of 28<sup>th</sup> August 2017**

The minutes of the Board's meeting of 28<sup>th</sup> August 2017, together with the decision list for that meeting, were agreed.

**Decision:** Minutes and decision list for 28<sup>th</sup> August 2017 agreed.

### **2. Section 12A Report from Chief Constable, Police Scotland**

Chief Inspector Jones presented the terms of the Chief Constable's report for the Edinburgh Licensing Board area. In the course of his presentation he highlighted action taken by Police Scotland in the Board's area over the 2016/17 financial year and advised of proposed action for the year ahead. Board members asked a number of questions regarding the terms of the report, thanked CI Jones for his presentation and agreed to note the contents of the report.

**Decision:** Board agreed to note the terms of the Chief Constable's report.

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

Noting that there was no one present to speak to the terms of the application, the Board agreed to continue consideration of the application to its October meeting.

**Decision:** continued one month

### **4. Extension of Provisional Period – 29 Melville Terrace, Edinburgh**

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

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## LICENSING BOARD

The Depute Clerk advised of an application to extend the provisional period for the premises licence for 29 Melville Terrace. Alistair Macdonald was present on behalf of the licence holder.

The Board noted the reasons submitted for the application being made, and agreed to extend the provisional period by one year.

**Decision:** Provisional period for 29 Melville Terrace extended by one year, with a new expiry date of 28<sup>th</sup> October 2018

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

The Board considered eighteen applications for variation of existing premises licences, twelve 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 – 2. Tesco Stores Ltd – 203 Gogar Station Road – application to vary capacity.*

Councillor Cameron, seconded by Councillor Day, moved refusal of the application. Councillor Cook, seconded by Councillor Fullerton, moved grant of the application.

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

*Continued Premises licence application – 1. EV Retail Limited – 154 West Granton Road*

Councillor Work, seconded by Councillor Fullerton, moved grant of the application with conditions (specified in attached Decision List). Councillor Campbell, seconded by Councillor Gloyer, moved refusal of the application.

**Decision:** Following a division, the application was granted with conditions attached.

*Provisional Premises licence application – 1. Jacob Philip – 2 Haymarket Terrace.*

Councillor Work, seconded by Councillor Fullerton, moved grant of the application as sought. Councillor Mowat, seconded by Councillor Cook, moved grant of the application on the basis of restricting to on-sales provision only.

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

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

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LICENSING BOARD

*Provisional Premises licence application – 4. Brewdog Retail Limited – 50 Lothian Road.*

Councillor Work, seconded by Councillor Cook, moved grant of the application as sought. Councillor Mowat, seconded by Councillor Campbell, moved refusal of the application.

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

*New Provisional Premises licence application – 5. T J Morris Limited – Niddrie Mains Road*

Councillor Campbell, seconded by Councillor Gloyer, moved refusal of the application. Councillor Cook, seconded by Councillor Laidlaw, moved grant of the application (conditions specified in Decision List).

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

## **NHS Lothian representations:**

Continued Variations

1. 17 Causewayside – representation withdrawn
6. 72-78 Causewayside – representation withdrawn

Continued Provisionals – applications 1 – 5 on Decision List

Continued New Premises – application 1 on Decision List

Provisionals – applications 1 – 5 on Decision List

## **6. Section 82 Notification – Elizabeth Smith**

The Depute Clerk advised of the continued requirement for the Board to hold a hearing on Ms Smith's personal licence, following her notification of a conviction for a relevant offence. Noting that she was not present and had not made contact, the Board agreed to continue the matter one final time for her personal appearance.

**Decision:** Continued for one month

## **7. Report – Arrangements for Preparation of Statement of Licensing Policy 2017/18**

The Depute Clerk narrated the terms of a report, advising the Board of the requirement to prepare a new Statement of Licensing Policy and the various consultation steps requiring to be taken in connection with that. The Board noted the statutory requirements regarding consultation and the necessity of gathering information from relevant sources to provide a basis for the terms of the policy.

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

The Board confirmed that the following parts of the policy had already been the source of discussion:-

- Children and young persons' access to licensed premises
- Use of outdoor drinking areas
- Licensing of "pop-up" bars
- Extended use of Occasional Licences
- Overprovision
- Extended Hours for events, etc

and members agreed it would be appropriate to carry out an initial, informal consultation on the existing policy to seek a broad range of responses from consultees. Depending upon the responses received, the Board would then be able to consider holding hearings in the first part of 2018 on particular policy topics.

The Board agreed that the initial, informal consultation should be conducted over the remainder of 2017 with a report to be provided at the end of that period on the outcome of the consultation. The Board agreed that hearings could then be conducted in early 2018, with a formal consultation on a new draft policy being carried out in mid 2018.

The Board agreed the recommendations as set out in the report.

**Decision:**

- Statistical information to be requested from Police, Health Board and City of Edinburgh Council relevant to the licensing objectives, to assist preparation of the new policy;
- Initial, informal consultation on the terms of the Board's existing policy to be carried out, with details to be published on the Council's Consultation Hub
- Arrange meeting with Licensing Forum to commence the consultation process with the Forum
- Obtain information from City of Edinburgh Council about the extent of licensed premises and relevant information about those premises, in connection with any assessment of overprovision

Councillor Norman Work  
Convener of the Licensing Board

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

**25<sup>th</sup> SEPTEMBER 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	363346	Indaba Deli Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Indaba Deli, 17 Causewayside, Edinburgh, EH9 1QF	No	Yes	No	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition; Add on sales, provide on sale capacity of 15, add restaurant facilities, receptions, club or other group meetings as activities, allow activities outwith core hours, add seasonal variations, permit children and young persons access, amend description of premises and substitute new layout plan	Board noting NHS rep was withdrawn.  Application <b>CONTINUED</b> for licence holder to address Building Standards' concerns re emergency lighting  Capacity 15

2.	363126	Spirit Pub Company (Leased) Limited	Ms Alison Smith 140 West George Street, Glasgow, G2 2HG	Centurion, 245a St John's Road, Edinburgh, EH12 7XD	No	No	Yes	Allow children and young persons access to premises, 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 and allow activities outwith core hours.	After amendment of application to confirm children until 2000, young persons until 2200, Board <b>GRANTED</b> application  New amplified music and vocals condition.  Capacity 120
3.	363214	Chaophraya (Edinburgh) Limited	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	Chaophraya, 33 Castle Street, Edinburgh	No	No	Yes	Increase on and off sale hours and allow activities outwith core hours	<b>GRANTED</b>
4.	363166	Mayfly Adventures Limited	Brunton Miller Solicitors 22 Herbert Street, Glasgow, G20 6NB	Lola Lo, 43b Frederick Street, Edinburgh, EH2 1EP	No	No	No	To add bar meals, to decrease the capacity and to remove the fixed seating and installation of kitchen	<b>GRANTED</b>  Capacity 188

5.	363174	Mitchells & Butlers Retail Ltd	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Footlights, 7 Spittal Street, Edinburgh, EH3 9DY	No	No	Yes	To 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 and approve internal reconfiguration	Board agreed to consider objection from Tollcross CC, received late.  <b>GRANTED</b>  New amplified music and vocals condition.  Capacity 160  Board noting applicant had provided amended layout plan to address Building Standards' concerns
6.	363071	Sainsburys Supermarkets Limited	Shepherd & Wedderburn 5th Floor, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL	Sainsbury's 72-78 Causewayside, Edinburgh, EH9 1PY	No	Yes	No	Increase capacity	Board noting NHS rep was withdrawn.  <b>GRANTED</b>  Capacity 60m

7.	363285	Trust Inns Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Dean Bar, 50 Dean Street, Edinburgh, EH4 1LQ	No	No	Yes	To 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, amend on and off sale hours, add bar meals as an activity and allow children and young persons access to premises.	Board noting applicant was amending application, removing the part seeking to amend the amplified music and vocals condition, and also to remove amendment of Sunday terminal hour.  <b>GRANTED</b> as amended.  Capacity 80
8.	363241	ABC Cinemas Limited	DLA Piper Scotland LLP Collins House, Rutland Square, Edinburgh, EH1 2AA	Multiplex Cinema, 120 Wester Hailes Road, Edinburgh, EH14 3HR	Yes	No	No	To change the on sale hours and to amend the layout plan.	<b>GRANTED</b>  Capacity 798



**NEW VARIATION PREMISES LICENCE APPLICATIONS**

**25<sup>th</sup> SEPTEMBER 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	364024	Leith Bar Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	138-140 Leith Walk, Edinburgh, EH6 5DT	No	No	Yes	To add Indoor/Outdoor Sports as an activity, increase accesss for children and young persons and to 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	<b>GRANTED</b>  New amplified music and vocals condition
2.	365199	Tesco Stores Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Tesco 203 Gogar Station Road, Edinburgh, EH12 9SB	No	Yes	No	To amend the capacity, reconfiguration of internal layout plan resulting in a small increase in alcohol display capacity.	<b>GRANTED</b>  Capacity 63.05m  (on a division)  [LMC & CD refuse 3 NC & CF grant 5]

3.	363145	Scottish Midland Cooperative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	Co-op 370 Leith Walk, Edinburgh, EH7 4PE	No	Yes	No	To allow recorded music, to amend the opening hours of the store to be 6am - 11pm every day and to allow the store open for the sale of general convenience goods between 6am - 11pm Monday to Sunday.	<b>GRANTED</b>
4.	365215	Kinloch Anderson Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Kinloch Anderson 4 Dock Street, Edinburgh, EH6 6EY	No	Yes	No	To increase capacity, substitute 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	<b>GRANTED</b>  New amplified music and vocals condition  Capacity 19.24m
5.	363400	Mr Asif Bashir	Mr Asif Bashir 202 The Murrays, Edinburgh, EH17 8US	KeyStore 43 Moredun Park Road, Edinburgh, EH17 7ES	No	No	No	Increase off sale hours and amend capacity	<b>GRANTED</b>  Capacity 77.4m  [Councillor Cameron dissenting]

6.	360762	Hawthorn Leisure Scotco Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	The Mockingbird 72-74 Newington Road, Edinburgh, EH9 1QN	No	No	Yes	To allow children and young persons access to premises 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	Board noting applicant was amending application, removing the part seeking to amend the amplified music and vocals condition.  <b>CONTINUED FOR SITE VISIT</b>
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7.	364245	Lodge Hotels Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	The Lodge Hotel, 6 Hampton Terrace, Edinburgh, EH12 5JD	No	No	Yes	To amend the music condition and replace it with the new version approved by the Board, to increase the on sale hours, to amend seasonal variations, to provide that activities may take place outwith core hours, to add outdoor drinking facilities as an activity, to provide that a marquee may be erected in the outside area, and to amend children and young persons' access.	<p><b>GRANTED</b></p> <p>No outdoor drinking beyond 2200</p> <p>New amplified music and vocals condition</p> <p>Use of marquee at premises, conditions attached:</p> <ol style="list-style-type: none"> <li>1. Site plan to show location of marquee</li> <li>2. Layout plan of marquee to be provided showing exits, external walkways and position of internal and external emergency lighting</li> <li>3. Occupancy capacity to be stated to ensure adequate escape provision</li> <li>4. Adequate sanitary provision to be provided for proposed capacity</li> <li>5. Licenceholder to provide letter(s) from suitably qualified person(s) with respect to structural stability of marquee prior to use and that requirements set out in layout plan have been addressed prior to its use</li> <li>6. Electrical test certificate from an accredited source to be provided by licenceholder for</li> </ol>
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									temporary supply to the marquee 7. Licenceholder to ensure wind management plan in place prior to the use of the marquee 8. Licenceholder to ensure marquee fabric achieves required surface spread for fire safety purposes
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**TRANSFER & VARIATION APPLICATIONS**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	365203	Caledonian Heritable Ltd	Caledonian Heritable Ltd 4 Hope Street, Edinburgh, EH2 4DB	145 Ferry Road, Edinburgh, EH6 4ET	No	No	Yes	To transfer the licence. To add seasonal variations and to amend the premises manager	Board noting minor variation made to replace Premises Manager  <b>CONTINUED FOR SITE VISIT</b>

2.	364551	Mrs Jane Dickson Karayel	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	2 Bath Road, Edinburgh, EH6 7JT	No	No	Yes	To transfer the licence. To change the current music condition to the new version approved by the Board, to amend on and off sale hours , to add bar meals and Indoor/Outdoor Sports as an activity, to provide that activities may take place during seasonal variations or with the benefit of an extension of permitted hours, to provide that barbeques might take place in the outside area, to ammend children and young persons' access	Board heard representations from objector and applicant. Agreed to <b>CONTINUE FOR SITE VISIT</b>  Part heard application – Cllrs Work; Gloyer; Campbell; Fullerton; Mowat; Cook  Depute Clerk to check existing licence – outdoor drinking – operating and layout plans
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3.	365207	Mr Martin Scott	Harper Macleod LLP The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE	83 Morrison Street, Edinburgh, EH3 8BU	No	No	Yes	Transfer, increase on sale hours, change premises manager, remove seasonal variations and amend terms to children and young persons access to premises.	<b>GRANTED</b>  Capacity 50  Board asked that licenceholder ensure clear communication with objector, with LSOs to provide mediatory service as necessary
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**CONTINUED NEW PREMISES LICENCE APPLICATIONS**  
**25<sup>th</sup> SEPTEMBER 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	363136	EV Retail Limited	Joelson Law 30 Portland Place, London, W1B 1LZ	B&M Store, 154 West Granton Road, Edinburgh, EH5 1PE	No	Yes	No	These premises operate a discount retail warehouse selling a range of goods including grocery, confectionery, gardening, health and beauty, electrical, household, soft furnishings and wish to include alcohol. Maximum hours for Premises open to trade 08:00 until 22:00 daily (closed Christmas Day)	<b>GRANTED</b>  New amplified music and vocals condition  Capacity 60m  Conditions attached to licence:  1. No sale of tonic wines 2. No sale of beers, lagers or ciders with A.B.V. above 6%  (on a division)  [NW & CF grant with conditions 5 MC & GG refuse 4]



**CONTINUED PROVISIONAL PREMISES LICENCE APPLICATIONS**  
**25<sup>th</sup> SEPTEMBER 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	363280	Mr Jacob Philip	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Nomad, 2 Haymarket Terrace, Edinburgh, EH12 5JZ	No	No	Yes	Premises located on the ground floor of a tenement at the corner of Haymarket Terrace and Rosebery Crescent with basement storage	<b>GRANTED</b>  New amplified music and vocals condition Capacity 15  (on a division)  [NW & CF Grant 5 JM & NC Grant on sales only 4]
2.	363208	Hung Feng Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Kweilin, 26-28 Potterrow, Edinburgh, EH8 9BT	No	No	Yes	Restaurant Premises located on ground floor and basement of property in Potterrow, Edinburgh	Board noting application amended to remove off sales and deliveries  <b>GRANTED</b>  New amplified music and vocals condition  Capacity 124

3.	362610	Inverhow Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Scott's Kitchen, 4-6 Victoria Terrace, Edinburgh, EH1 2JL	No	No	Yes	Cafe restaurant premises located on Victoria Terrace in ground floor	Board noting application amended to the effect that offsales would be restricted to outside catering only  <b>GRANTED</b>  New amplified music and vocals condition  No outdoor drinking beyond 2200  Children and young persons' permitted until 2200
4.	362608	BrewDog Retail Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Brewdog 50 Lothian Road, Edinburgh	No	No	Yes	Ground floor bar premises offering food and an external area situated in former Clydesdale Bank building on corner of Lothian Road and Clydesdale Bank Plaza	Board agreed to consider objection from Tollcross CC, received late.  Board noting application amended – 1100 commencement hour  <b>GRANTED</b>  No outdoor drinking beyond 2200  New amplified music and vocals condition  Capacity 170  (on a division)  [NW & NC Grant 7 JM & MC refuse 2]

5.	363158	Standard Life Employee Services Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	6 St Andrew Square, Edinburgh, EH2 2AH	No	No	Yes	The premises are situated in the east of the New town with city centre. The premises forms part of a mixed use development comprising offices, retail and restaurant facilities and will be used for a variety of hospitality events, including lunches and dinners. The area to be licensed comprises of the first and sixth floors	Board noting application amended to remove off-sales. <b>GRANTED</b> No outdoor drinking beyond 2200 New amplified music and vocals condition
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**PROVISIONAL PREMISES LICENCE APPLICATIONS**  
**25<sup>th</sup> SEPTEMBER 2017**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	364550	M Crolla & Sons Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	19 Gracemount Drive, Edinburgh, EH16 6RR	No	Yes	No	Takeaway premises located on ground floor of a building at 19 Gracemount Drive, Edinburgh	<b>GRANTED</b>  Board noting application amended to confirm that off-sales only to be provided as part of delivery service, with provision of takeaway meals  New amplified music and vocals condition
2.	364621	Mellis Cheese Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	30 Victoria Street, Edinburgh, EH1 2JW	No	Yes	No	Small shop specialising in cheese, located on ground floor of building in Victoria St	<b>GRANTED</b>  New amplified music and vocals condition  Alcohol sales restricted to wines only
3.	363434	Pineapple Express Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	36 Jane Street, Edinburgh, EH6 5HD	No	Yes	No	Warehouse premises located on an industrial estate in Jane Street, Edinburgh CC LSO BSR NHS	<b>GRANTED</b>  New amplified music and vocals condition

4.	364622	Mrs Raheela Javaid	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	70-72 Grassmarket, Edinburgh, EH1 2JR	No	Yes	No	Retail shop on ground floor of building on the Grassmarket	<b>CONTINUED</b>  Board agreed to call for provision of Antisocial Behaviour Report from Chief Constable  Locality report showing extent of licensed premises in 250m radius to be provided for next meeting
5.	362731	TJ Morris Limited t/a Home Bargains	DWF LLP 5 St Paul's Square, Old Hall Street, Liverpool, L3 9AE	Niddrie Mains Road, Edinburgh, EH16 4DT	No	Yes	No	The premises is purpose built as a retail shop and part of the development of Craigmillar Shopping Centre Niddrie Mains Road.	<b>GRANTED</b> Conditions attached to licence:  1. No sale of tonic wines 2. No sale of beers, lagers or ciders with A.B.V. above 6%  New amplified music and vocals condition  (on a division)  [MC & GG Refuse 2 NC & CL Grant with conditions 4]
6.	364303	Nando's Chickenland Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Unit 77, Ocean Terminal, 98 Ocean Drive, Edinburgh, EH6 6JJ	No	No	Yes	Family friendly restaurant with associated car parking facilities situated in a large retail development	<b>GRANTED</b>  New amplified music and vocals condition  2300 restriction on children and young persons access

**PERSONAL LICENCE APPLICATIONS**  
**25<sup>th</sup> SEPTEMBER 2017**

<b>No</b>	<b>Reference</b>	<b>Applicant</b>	<b>Agent Details</b>	<b>Comments</b>	<b>Decision</b>
1.	362967	Keith John Wallace	Ms Elizabeth Shaw, G1 Group, Hamilton House, 70 Hamilton Drive, Glasgow, G12 8DR		<b>CONTINUED</b>  Board confirming if no attendance, may consider in applicant's absence