

• EDINBURGH •

LICENSING BOARD

NOTICE OF MEETING

MONDAY 4th DECEMBER 2017

START TIME 9.30am

Dean of Guild Room, City Chambers, Edinburgh

AGENDA

1. Minutes of meeting of 30th October 2017
2. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list
3. Section 82 Notification – Elizabeth Smith
4. Section 82 Notification – Jack Fleming
5. Premises Licence Reviews – Non-payment of Annual Fees
6. Premises Licence Review – Assembly Roxy, 2 Roxburgh Place
7. Section 9B – Annual Financial Report
8. Equality Act 2010 – Equality Outcomes – Update

Nick Smith
Clerk of the Licensing Board

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LICENSING BOARD

Licensing Board membership:

Councillor Lezley Marion Cameron	Councillor Gillian Gloyer
Councillor Mary Campbell	Councillor David Key
Councillor Nick Cook	Councillor Callum Laidlaw
Councillor Cammy Day	Councillor Joanna Mowat
Councillor Cathy Fullerton	Councillor Norman Work (Convener)

General information about the Licensing Board's meeting dates, Policies, etc is available online:-

http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licensing_board

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LICENSING BOARD

MINUTES OF MEETING

MONDAY 30th OCTOBER 2017

ITEM No. 1

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

Apologies: Councillor Cammy Day

Police Officer: Sergeant John Young

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

NHS Lothian: Jim Sherval

Depute Clerk: Nick Fraser

1. Minutes of meeting of 25th September 2017

The minutes of the Board's meeting of 25th September 2017, together with the decision list for that meeting, were agreed.

Decision: Minutes and decision list agreed.

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

The Board considered the details of an application to increase the number of gaming machines at the premises as detailed below. The applicant was present and after considering the merits of the application the Board agree to grant the application.

Applicant	Agent Details	Premises	No of machines	Decision
Greene King Brewing and Retailing Ltd Westgate Brewery Bury St Edmunds IP33 1QT	Gamestec Leisure Ltd Unit B10 Wira House Ring Road Leeds, LS16 6ER	Merlin 168-172 Morningside Edinburgh EH10 4PU	3	GRANT

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

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

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LICENSING BOARD

The Board considered nineteen applications for variation of existing premises licences, five 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: Councillor Mary Campbell declared a non-financial interest in *Variation application – 13. Giovanni Crolla – 15/16 Teviot Place* and took no part in the consideration of that application

Divisions:

Variation application – 8. Premier Superstore Ltd – 57 Muirhouse Gardens – application to vary capacity.

Councillor Cameron, seconded by Councillor Laidlaw, moved continuation of the application. Councillor Fullerton, seconded by Councillor Gloyer, moved grant of the application.

Decision: Following a division, the application was granted.

Variation application – 11. Mimi's Teahouse Limited – 63 Shore – increase on and off sales and amend amplified music and vocals condition

Councillor Cook, seconded by Councillor Mowat, moved refusal of the application. Councillor Cameron, seconded by Councillor Work, moved grant of the application.

Decision: Following a division, the application was granted.

NHS Lothian representations:

Variations

7. 65 Lothian Road (Shakespeare's)
8. 57 Muirhouse Gardens (Premier Superstore Ltd)
9. 35 Newkirkgate (Lidl)
11. 63 Shore (Mimi's Bakehouse)
13. 15-16 Teviot Place

Continued Provisionals

1. 70-72 Grassmarket

New Provisionals

1. 4 Charlotte Lane
3. St John The Evangelist, 1 Lothian Road
4. 2-40 Ratcliffe Terrace

4. 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 again not present and had not made

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

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LICENSING BOARD

contact, the Board agreed to continue the matter one final time for her personal appearance.

Decision: Continued for one month

5. Section 82 Notification – Jack Fleming

The Depute Clerk advised of the requirement for the Board to hold a hearing on Mr Fleming's personal licence, following his notification of a conviction for a relevant offence. Noting that he was not present and had not made contact, the Board agreed to continue the matter one month, for his personal appearance.

Decision: Continued for one month

6. Section 43 Notification – Asda Stores Limited

The Depute Clerk advised of a notification made by Asda Stores Limited, in their capacity as premises licence holders in the Board's area, of a conviction for a relevant offence.

After considering the detail of the notification, the Board agreed that it was not necessary for the purposes of the licensing objectives to take any action on the premises licences, and agreed to note the details.

Decision: Agreed to note the details of the notification of conviction, with no further action to be taken.

Councillor Norman Work
Convener of the Licensing Board

DECISION LIST – 30 OCTOBER 2017

CONTINUED - VARIATION OF PREMISES LICENCE APPLICATIONS

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	GRANTED

DECISION LIST – 30 OCTOBER 2017

2.	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	Amendment to amplified music and vocals condition WITHDRAWN by agent. Remainder of application GRANTED
3.	361265	Hong Hai Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	5-7 Waterloo Place, Edinburgh, EH1 3BG	No	No	Yes	Increase on and off sale hours, allow children and young persons access to premises and chnage premises managers address	CONTINUED Agent to meet with applicant and Building Standards to resolve matters re BSR memo

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	Variation part of application WITHDRAWN Transfer GRANTED

VARIATION OF PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	366181	Roxburghe Hotel Operations Ltd	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	35-39 Charlotte Square, Edinburgh, EH2 4HE	No	No	Yes	To amend the capacity of the premises, to amend on and off sale hours on Sunday, to amend children and young person's access, to amend the layout plan, and to amend the description of the premises.	GRANTED , on the basis that access for non-resident children and young persons is permitted until 2300.
2.	363402	Admiral Taverns Picadilly Limited	Admiral Taverns Picadilly Limited Milton Gate, 60 Chiswell Street, London, EC1Y 4AG	142 Duke Street, Edinburgh, EH6 8HR	No	No	Yes	To amend on and off sale hours, to amend the children's and young person's access and to amend the premises manager.	GRANTED

3.	367009	Select Service Partner Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Haymarket Station, 3 Haymarket, Edinburgh, EH12 5EY	No	Yes	No	Increase capacity	GRANTED
4.	366845	Hunter Square Lease Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	3 Hunter Square, Edinburgh, EH1 1QW	No	No	Yes	To increase on and off sale hours, add live performances and TV Sport as activities, to amend the current condition on amplified music, amend narrative relating to the bar which is now a servery and delete reference to a wine display.	GRANTED, on basis that no children's access beyond 2300 and no young persons' access is permitted beyond 0100
5.	367028	Caledonian Heritable Ltd	Caledonian Heritable Ltd 4 Hope Street, Edinburgh, EH2 4DB	Kingsknowe Roadhouse, 193 Kingsknowe Road North, Edinburgh, EH14 2ED	No	No	Yes	Amend details to children and young person's access to premises and substitute new layout plan showing children and young person's full access of the premises.	CONTINUED for site visit

6.	367015	Ross Partnership	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Couples, 96-98 Leith Walk, Edinburgh, EH6 5HB	No	No	Yes	To increase capacity, provide for new bar in basement, amend details to children and young person's access to premises, substitute a new layout plan and amend the current condition on amplified music and vocals.	Part of application seeking amendment to amplified music & vocals condition WITHDRAWN GRANTED, on basis (1) exit to enclosed courtyard to be used for emergency exit purposes only, (2) no live music on premises after 2330.
7.	367007	Spirit Pub Company (Managed) Limited	Greene King Retailing Ltd Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT	65 Lothian Road, Edinburgh, EH1 2DJ	No	No	Yes	To amend the layout plan of the premises, to amend on and off sales hours, to amend bar meals, televised sport, to amend outdoor drinking facility, to amend children and young person's access and to amend any other activities to specify may provide a range of other activities.	Part of application seeking amendment to on and off sales WITHDRAWN Application otherwise GRANTED

8.	367016	Premier Superstore Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	57 Muirhouse Gardens, Edinburgh, EH4 4TD	No	Yes	No	To amend the music condition with the new one, to increase the capacity and to amend the layout plan of the premises.	GRANTED (on a division)
9.	367036	Lidl UK GmbH	Lidl UK GmbH Licensing Department, Locking Castle Business Park, West Wick, Weston-Super-Mare, BS24 7TG	35 Newkirkgate, Edinburgh, EH6 6AA	No	Yes	No	To amend the layout plan and to change the capacity.	GRANTED
10.	366846	Intu Leatherwear Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	7 North Bridge Arcade, Edinburgh, EH1 1QL	Yes	No	No	Increase on sale hours, add off sales, allow certain activities outwith core hours, add receptions, club or other group meetings, deliveries, outside drinking and live performances as activities, to amend the current Condition on amplified music and vocals, to clarify the licensed area as being the whole of the premises including area to front.	CONTINUED for site visit

11.	366969	Mimi's Teahouse Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	63 Shore, Edinburgh, EH6 6RA	No	No	Yes	To increase on sale and off sale hours, change premises managers address and amend the current Condition on amplified music and vocals.	GRANTED (on a division)
12.	366891	Spirit Pub Company (Leased) Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	Oak Inn, 108-110 St John's Road, Edinburgh, EH12 8AX	No	No	Yes	To amend the current Condition on amplified music and vocals, increase on sale hours, amend details to seasonal variations, allow certain activities outwith core hours, add conference facilities and theatre as activities, remove adult entertainment, amend details to children and young person's access to premises and approve internal reconfiguration.	Part of application seeking increase in on-sales hours WITHDRAWN Application otherwise GRANTED

13.	366968	Mr Giovanni Crolla	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	15-16 Teviot Place, Edinburgh, EH1 2QZ	No	Yes	No	Add on sales, seasonal variations, restaurant facilities, receptions, club or other group meetings, recorded music, live performances, outdoor drinking, takeaways, deliveries, outside catering as activities, allow certain activities outwith core hours, allow children and young person's access to premises, provide on sale capacity of 46, substitute new layout plans and amend description of premises.	GRANTED, on basis that (1) no outdoor drinking beyond 2200; (2) amplified music and vocals condition; (3) deliveries of alcohol only permitted with provision of a meal
14.	362940	Heather Hills Hospitality Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	20 Young Street, Edinburgh, EH2 4JB	No	No	Yes	Increase capacity and amend description of premises.	CONTINUED for site visit

CONTINUED PROVISIONAL PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	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	REFUSED – overprovision and licensing objectives

PROVISIONAL PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	366890	At Pizza Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	4 Charlotte Lane, Edinburgh, EH2 4QZ	No	No	Yes	Pizza restaurant and takeaway in mainly commercial area.	GRANTED on basis of amendment – terminal hour 0300 Friday and Saturday, 0100 remainder of week; (1) amplified music and vocals condition; (2) off-sales with provision of food from menu only; (3) children's access 2300, young persons until 0100

2.	367127	Haymarket Hub Hotel	Harper Macleod LLP The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE	7 Clifton Terrace, Edinburgh, EH12 5DR	No	No	Yes	The premises are an existing 7 storey hotel located on Clifton Terrace	GRANTED on basis of no outdoor drinking beyond 2200; amplified music and vocals condition
3.	366620	Mr George Fyvie	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	St John The Evangelist, 1 Lothian Road, Edinburgh, EH1 2EP	No	No	Yes	Part of St John's Church located at the corner of Lothian Road and Princes Street, consisting of a cafe, terrace and areas for meetings and events.	CONTINUED for site visit
4.	365767	Malthurst Retail Limited	Harper Macleod LLP The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE	2-40 Ratcliffe Terrace, Edinburgh, EH9 1SS	No	Yes	No	The premises are located on the south west side of Ratcliffe Terrace in a mixed residential/commercial area of Edinburgh. The premises trade as a general convenience store adjacent to petrol/derv filling station forecourt.	REFUSED – excluded premises

PERSONAL LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Decision
1.	362967	Keith John Wallace	Ms Elizabeth Shaw, G1 Group, Hamilton House, 70 Hamilton Drive, Glasgow, G12 8DR	REFUSED

ITEM No. 2

THE CITY OF EDINBURGH LICENSING BOARD

**APPLICATIONS FOR VARIATION OF EXISTING
PREMISES LICENCES, NEW & PROVISIONAL
PREMISES LICENCES AND PERSONAL LICENCES**

4 DECEMBER 2017

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – CONTINUED VARIATION PREMISES LICENCE APPLICATIONS

04 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1	361265	Hong Hai Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	5-7 Waterloo Place, Edinburgh, EH1 3BG	No	No	Yes	12 July 2017	Increase on and off sale hours, allow children and young persons access to premises and change premises managers address CC LSO BSR	
2.	367028	Caledonian Heritable Ltd	Caledonian Heritable Ltd 4 Hope Street, Edinburgh, EH2 4DB	Kingsknowe Roadhouse, 193 Kingsknowe Road North, Edinburgh, EH14 2ED	No	No	Yes	12/10/2017	Amend details to children and young person's access to premises and substitute new layout plan showing children and young person's full access of the premises. CC	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – CONTINUED VARIATION PREMISES LICENCE APPLICATIONS

04 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	366846	Intu Leatherwear Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	7 North Bridge Arcade, Edinburgh, EH1 1QL	Yes	No	No	12/10/2017	Increase on sale hours, add off sales, allow certain activities outwith core hours, add receptions, club or other group meetings, deliveries, outside drinking and live performances as activities, to amend the current Condition on amplified music and vocals, to clarify the licensed area as being the whole of the premises including area to front. CC LSO	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – CONTINUED VARIATION PREMISES LICENCE APPLICATIONS

04 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
4.	362940	Heather Hills Hospitality Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	20 Young Street, Edinburgh, EH2 4JB	No	No	Yes	12/10/2017	Increase capacity and amend description of premises. CC	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	369432	Caledonian Heritable Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	19 Blair Street, Edinburgh, EH1 1QR	No	No	Yes	Increase on sale hours, add karaoke as an activity, amend description of premises, substitute new layout plan and amend the current condition on amplified music and vocals. CC LSO O	
2.	366806	Olifra van Limited	Inn Business (Scotland) Limited Forsyth House, Lomond Court, Castle Business Park, Stirling, FK9 4TU	182-184 Bruntsfield Place, Edinburgh, EH10 4DF	No	No	Yes	To amend the layout plan, to increase the capacity, to amend the on sale hours on Sunday and to amend the outdoor drinking facilities. CC LSO BSR	
3.	369676	Lidl UK GmbH	Lidl UK GmbH Licensing Department, Locking Castle Business Park, West Wick, Weston-Super-Mare, BS24 7TG	201-207 Dalry Road, Edinburgh, EH11 2EF	No	Yes	No	Increase capacity CC BSR NHS	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	369360	Mr Roger Coulthard	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	29-33 Dublin Street, Edinburgh, EH3 6NL	No	No	Yes	To increase on sale hours, add off sales, add seasonal variations, TV sport, live performances, outside drinking, takeaways, outside catering as activities, allow activities outwith core hours, amend details to children and young person's access to premises. CC LSO O	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	363430	Mr Parweez Khan	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1, 3a Dundas Street, Edinburgh, EH3 6QG	No	No	Yes	Replace amplified music condition with new condition. Commence on sales from 10:00 hrs Monday to Saturday and 11:00 hrs Sundays; add off sales; include live performances; dance facilities; outdoor drinking; takeaways and deliveries as additional activities CC LSO BSR O	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	369428	The Bongo Club Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	7-9 George IV Bridge, Edinburgh, EH1 1EG	No	No	Yes	To change the music condition and replace it with the new version, to amend the on and off sale hours, to amend the access for children and young persons, to add TV sport, Indoor/Outdoor sports as an activity CC LSO.	
7.	367020	Caledonian Heritable Ltd	Caledonian Heritable Ltd 4 Hope Street, Edinburgh, EH2 4DB	437 Gorgie Road, Edinburgh, EH11 2RT	No	No	Yes	Add bingo, charity events, competitions, cabaret, funerals, gambling i.e. poker nights public holiday events, karaoke, ladies events, launch parties, live comedy, occasion parties e.g. birthday/anniversary etc as activities, amend details to children and young person's access.	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
8.	369431	Miss Celena Collins	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	103 High Riggs, Edinburgh, EH3 9RP	No	No	Yes	To add TV sport as an activity, to add off sale hours, to change the description of the premises and to amend the premises manager CC.	
9.	369270	Surgeons Lodge Limited	Mr Andrew Williams 24 Canning Street, Edinburgh, EH3 8EG	7-10 Hill Place, Edinburgh, EH8 9DW	No	No	Yes	Add off sales, receptions etc, club meetings and gym facilities as activities, amend details to children and young person's access and approve internal reconfiguration. CC BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
10.	369459	Corte Leisure Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	25 Jock's Lodge, Edinburgh	Yes	No	No	To increase on sale hours, add restaurant facilities, reception, add dance facilities as activities, allow certain activities outwith core hours, amend detail to children and young person's access, increase capacity and amend the current music condition. CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
11.	369361	Ms Diane Carol McNair	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	242 Morrison Street, Edinburgh, EH3 8DT	No	No	Yes	Amend on sale hours, add restaurant facilities, outdoor sports and karaoke as activities, allow certain activities outwith core hours, allow children and young person's access to premises, amend description of premises and amend the current music condition CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
12.	369461	Hamilton House Investments Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	20-24 North Bridge, Edinburgh, EH1 1TR	No	No	Yes	Increase on sale hours in bistro/restaurant, add seasonal variations, amend details to children and young person's access to premises, substitute new layout plans and amend the current condition CC LSO	
13.	366689	Vapiano Limited	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	3-8 St Andrew Square, Edinburgh, EH2 2BD	No	No	Yes	To amend children and young person's access.	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – CONTINUED PROVISIONAL PREMISES LICENCE APPLICATIONS

04 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	366620	Mr George Fyvie	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	St John The Evangelist, 1 Lothian Road, Edinburgh, EH1 2EP	No	No	Yes	12/10/17	Part of St John's Church located at the corner of Lothian Road and Princes Street, consisting of a cafe, terrace and areas for meetings and events. CC LSO BSR NHS	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - PROVISIONAL PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	369341	Vinnan Limited	Mr Andrew Williams 24 Canning Street, Edinburgh, EH3 8EG	27 Bernard Street, Edinburgh, EH6 6SH	No	No	Yes	Ground floor Restaurant on busy main street. CC LSO BSR	
2.	369273	BCH (Edinburgh) Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	88 Bruntsfield Place, Edinburgh, EH10 4HG	No	No	Yes	Restaurant/ Bistro premises located on the ground floor and lower ground floor of a building at the corner of Bruntsfield Place and Viewforth Gardens. CC LSO BSR O	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - PROVISIONAL PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	369274	Mr Vahap Firat	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	34 Cockburn Street, Edinburgh, EH1 1PB	No	No	Yes	Cafe located on ground floor of building in Cockburn Street with a mezzanine level not accessible to the public CC LSO BSR O.	
4.	369434	Mr Jamshad Ali	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	42 Craigentenny Road, Edinburgh, EH7 6LT	No	Yes	No	Grocery Store located on ground floor of building on Craigentenny Road. CC LSO BSR NHS O	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - PROVISIONAL PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	369312	Ms Xia Yu	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	66 Dalry Road, Edinburgh, EH11 2AY	No	Yes	No	Chinese supermarket located on ground floor (with basement for access by staff only) in tenement in Dalry Road. CC LSO BSR NHS	
6.	369526	El Toro Loco Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	88 Grassmarket, Edinburgh, EH1 2JR	Yes	No	No	Restaurant and Bakery. CC LSO BSR O	
7.	369275	Mr Mark Veroo Singh	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	96 Hanover Street, Edinburgh, EH2 1DR	No	No	Yes	Restaurant/ Takeaway located on Hanover Street and accessed by a flight of stairs from street level. CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - PROVISIONAL PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
8.	369458	The Rat Pack Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	25 Lothian Road, Edinburgh, EH1 2DJ	No	No	Yes	Premises providing live entertainment with restaurant facility, located on Lothian Road. CC LSO BSR O	
9.	369314	Maki and Ramen Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	75 Nicolson Street, Edinburgh, EH8 9BZ	No	No	Yes	Takeway with small sitting-in facility on ground floor in building on Nicolson Street. CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - PROVISIONAL PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
10.	369316	Mrs Kannika Sayers	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	78 Portobello High Street, Edinburgh, EH15 1AN	No	No	Yes	Small Restaurant located on ground floor of tenement on Portobello High Street. CC LSO BSR O	
11.	369219	Whitbread Group Plc	John Gaunt & Partners Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT	64 Princes Street, Edinburgh, EH2 2DJ	No	No	Yes	Development of a Premier Inn branded hotel with accomodation, food and beverage area associated facilities. CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - PROVISIONAL PREMISES LICENCE APPLICATIONS

4 DECEMBER 2017

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
12.	369310	Caramel Holdings Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	55 Raeburn Place, Edinburgh, EH4 1HX	No	No	Yes	Cafe/Bistro premises located on ground floor with basement in a tenement in Raeburn Place, Stockbridge. CC LSO BSR O	
13.	369356	Lateral City Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	41-42 St Andrew Square, Edinburgh, EH2 2AD	Yes	No	No	Major part of self standing former bank premises at 41/42 St Andrew Square, located over eleven levels, consisting of serviced apartments and including a bistro, gym and ancillary facilities. CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
PERSONAL LICENCE APPLICATIONS

4 December 2017

No	Reference	Applicant	Agent Details	Comments	Decision
1.	368130	Finlay John Pritchard West	Macdonald Licensing, 21a Rutland Square, Edinburgh, EH1 2BB	CC	
2.	366325	Brian Scott	Macdonald Licensing, 21a Rutland Square, Edinburgh, EH1 2BB	CC	

PERSONAL LICENCE REVIEW — ELIZABETH SMITH

1. Purpose

- 1.1 To advise the Board of the requirement to hold a hearing for the review of Elizabeth Smith's personal licence

2. Main Report

2.1. Elizabeth Smith holds a Personal Licence issued by the Edinburgh Licensing Board. Where a personal licence holder acquires a conviction for a relevant offence they are required to provide the Licensing Board with notification to that effect. Notice is then sent to the Chief Constable in order for him to provide a notice either confirming the conviction details or otherwise. Where the Board receives such a notice, it must hold a hearing.

2.2. If, after proceeding with a hearing, the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives, it may make an order:-

- (a) revoking;
- (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorsing

the licence held by the personal licence holder.

2.5 The Board is required to hold a hearing on Ms Smith's personal licence and then decide what action, if any, is considered necessary for the purpose of the licensing objectives. Ms Smith was invited to attend the Board meeting on 26th June, 31st July, 28th August, 25th September and 30th October 2017. The Board agreed to continue this matter to the December meeting on the basis that if Ms Smith did not attend, the Board may consider proceeding in her absence.

3. Recommendation

3.1 The Board is required, having regard to the notification and the Chief Constable's report:-

- (a) to hold a hearing on the personal licence;
- (b) to decide whether to take any action with regard to the personal licence.

4. Background Papers

- 4.1 Email from Elizabeth Smith dated 29th May 2017
- 4.2 Letter from Police Scotland dated 31st May 2017

Depute Clerk of the Licensing Board

PERSONAL LICENCE REVIEW — JAGK FLEMING

1. Purpose

- 1.1 To advise the Board of the requirement to hold a hearing for the review of Jack Fleming's personal licence

2. Main Report

- 2.1. Jack Fleming holds a Personal Licence issued by the Edinburgh Licensing Board. Where a personal licence holder acquires a conviction for a relevant offence they are required to provide the Licensing Board with notification to that effect. Notice is then sent to the Chief Constable in order for him to provide a notice either confirming the conviction details or otherwise. Where the Board receives such a notice, it must hold a hearing.

- 2.2. If, after proceeding with a hearing, the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives, it may make an order:-

- (a) revoking;
- (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorsing

the licence held by the personal licence holder.

- 2.5 The Board is required to hold a hearing on Mr Fleming's personal licence and then decide what action, if any, is considered necessary for the purpose of the licensing objectives. Mr Fleming was invited to attend the Board meeting on 30th October 2017 but did not attend. The Board agreed to continue consideration of the notification to the December meeting.

3. Recommendation

- 3.1 The Board is required, having regard to the notification and the Chief Constable's report:-

- (a) to hold a hearing on the personal licence;
- (b) to decide whether to take any action with regard to the personal licence.

4. Background Papers

- 4.1 Email from Jack Fleming dated 29th August 2017
- 4.2 Letter from Police Scotland dated 7th September 2017

Depute Clerk of the Licensing Board

**PREMISES LICENCE REVIEWS – NON-PAYMENT OF ANNUAL PREMISES
LICENCE FEES**

1. Purpose

- 1.1 To advise the Board of details of premises, where annual fees for the period 2016/17 remain outstanding.
- 1.2 To ask the Board to agree in each case to schedule hearings for review of the premises licences.

2. Main Report

- 2.1. Premises licence holders are required to make payment of annual fees on or around 1st October every year, in terms of the Licensing (Fees) (Scotland) Regulations 2007. The fees are paid in advance of the following year.
- 2.2. Non-payment of fees constitutes a breach of the mandatory conditions of licence, which in turn constitutes a ground for review of a premises licence. Details of premises where fees remain outstanding for the period 2016/17, having become due from 3rd October 2016, are set out in the appendix attached to this report. Premises licence holders have been written to on a number of occasions, to advise them of the requirement for outstanding fees to be paid.
- 2.3. In addition, the Council's LSOs have visited premises, issuing Compliance Notices requiring compliance with the mandatory conditions of licence, i.e. payment of the fees.
- 2.4. On the basis that the fees remain outstanding for the premises listed, the Board is asked to agree that the information provided about each premises is relevant for review of the premises licence, and that review hearings may proceed at the Board's next meeting.

3. Recommendation

- 3.1 The Board is asked:-
 - (a) to note the details of the premises where annual fees remain outstanding and to agree that matters relevant to the grounds for review of the premises licences have been set out; and
 - (b) to agree to schedule hearings in respect of the premises licences.

4. Background Papers

- 4.1 Premises with details of outstanding annual licence fees.

Depute Clerk of the Licensing Board

PREMISES LICENCE REVIEWS – NON-PAYMENT OF ANNUAL PREMISES
LICENCE FEES

LIST OF PREMISES WITH FEES OUTSTANDING FROM 2016/17 ONWARDS

251433 – 6-8 Morningside Drive, Edinburgh (S Harper)

253660 – Utility Store, 132 Gorgie Road, Edinburgh (C Nasir)

337022 – formerly known as Knights Kitchen, 126 Nicolson Street, Edinburgh (C Longstaff)

PREMISES LICENCE REVIEW APPLICATION – ASSEMBLY ROXY, 2 ROXBURGH PLACE, EDINBURGH

1. Purpose

- 1.1 To ask the Board to consider the terms of a premises licence review application for the premises at 2 Roxburgh Place, Edinburgh and whether there are grounds for a review of the premises licence.
- 1.2 In the event that the Board matters have been set out which are relevant to the grounds for review, to decide when to hold a hearing on the review application.

2. Main Report

- 2.1. Any person may apply to the Board, in respect of any licensed premises in the Board's area, for a review of the premises licence. The possible grounds for review are:-
 - (a) that one or more of the licensing conditions has been breached or
 - (b) any other ground relevant to the licensing objectives, namely:-
 - preventing crime and disorder,
 - securing public safety,
 - preventing public nuisance,
 - protecting and improving public health, and
 - protecting children from harm.
- 2.2. The Board may reject a premises licence review application if it is considered:-
 - (a) to be vexatious or frivolous; or
 - (b) does not disclose any matter relevant to any ground for review.
- 2.3. The Board must first be satisfied that the review application sets out matters which are relevant to the grounds for review, before it can proceed with a hearing on the application. The Board may obtain such further information as it requires in order to establish whether or not to proceed with a hearing on the review application.
- 2.4. The Council's LSOs have submitted an application for review of the premises licence for the Assembly Roxy premises at 262 Roxburgh Place. The premises are described in the licence as a converted church on four levels consisting of theatre area, bar/cafe. The premises licence holder is Assembly Theatre Limited. The review application has been submitted on the basis of breach of a Compliance Notice served on the premises by the LSOs, connected with the amplified music and vocals condition attached to the licence.
- 2.5. The licence holder has been advised of the details of the review application, and the potential for it being set down for a hearing at the Board's January 2017 meeting. The Board is asked to consider whether to set a hearing for that date, on the basis of the information supplied by the LSOs.

PREMISES LICENCE REVIEW APPLICATION – ASSEMBLY ROXY, 2 ROXBURGH PLACE, EDINBURGH

3. Recommendation

3.1 The Board is required:-

- (a) to decide whether or not the application for review of the premises licence is vexatious or frivolous and whether it sets out matters relevant to the grounds for review; and
- (b) if the Board agrees that it necessary to do so, to decide when a review hearing will be held.

4. Background Papers

4.1 Application for review of premises licence, dated 22nd November 2017.

Depute Clerk of the Licensing Board

Item 7 - PUBLICATION OF ANNUAL FINANCIAL REPORT – 2016/17

1. Purpose

- 1.1 To ask the Board to approve the terms of its first annual financial report.

2. Main Report

- 2.1. At its meeting on 26th June 2017 the Board was advised of a new duty introduced by an amendment to the Licensing (Scotland) Act 2005. Section 9B of the Act requires Boards to prepare, and publish no later than 3 months after the end of the financial year, an annual financial report. The report should include:-

- A statement of the amount of liquor licensing income received by the Board during the financial year
- A statement of the expenditure incurred by the Board during the same period
- An explanation of how the amounts in the statement were calculated

- 2.2. Section 9B provides some detail as to what is required of Boards to comply with this duty, but the Scottish Government has not issued guidance on the specifics at this stage. The report format has been left to individual Councils and Boards to decide. The Council's Place Directorate has prepared the annexed report on the basis of information obtained from the licensing applications database.

- 2.3. The annexed report sets out the income and expenditure details calculated for the 2016/17 financial year. Income details have been provided from an assessment of the Council's licensing applications database for all fees gathered between 1st April 2016 and 31st March 2017.

- 2.4. The annexed report explains the basis upon which the expenditure figure has been reached, with an explanation as to why this represents a best estimate figure of the total expenditure for the financial year.

- 2.5. Provided that the Board approves the annexed report, the details require to be published. This will be achieved by publishing the details on the Board's website.

3. Recommendation

- 3.1 The Board is asked:-

(a) to approve the terms of the annual financial report as annexed;
and

(b) to delegate publication of the report to the clerk and his deputies.

Item 7 - PUBLICATION OF ANNUAL FINANCIAL REPORT – 2016/17

4. Background

4.1 [Licensing Scotland Act 2005 – Section 9B](#)

Depute Clerk of the Licensing Board

Licensing (Scotland) Act 2005

City of Edinburgh Licensing Board Financial Report

Year Ending: 31 March 2017

The City of Edinburgh Licensing Board is required under section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within 3 months of the end of the relevant financial year.

This report has been prepared using financial data taken for year ending 31 March 2017. It should be noted that not all expenditure relating to the Licensing Board's functions are separated from general licensing activity. These general costs have therefore been allocated to the Licensing Board based on a best estimate of the expenditure incurred. The report accordingly should not be relied upon as a precise reflection of income and expenditure relative to the exercise of the Licensing Board's functions under the Licensing (Scotland) Act 2005.

The financial statement is as follows:

<u>Income</u> ¹	£
Occasional Licences	(26,134)
Personal Licences	(55,953)
Premises Licences	(952,809)
Total	(1,034,896)
<u>Staff Costs</u> ²	
Licensing Services	558,513
Legal Services	48,498
Administrative Support	26,825
Total	633,836
<u>Other Direct Costs</u> ³	
Room Hire & Meetings	4,581
Training	6,640
Postage	5,355
Printing/Stationery/Photocopying	5,275
Transport	11,755
Other expenses	6,786
Internal Charges	17,314
Total	57,706
<u>Indirect Costs</u> ⁴	
ICT/Telecommunications	33,659
Business Support	15,799
Property	88,701
Corporate & Democratic Core	35,619
Other	64,581
Total	238,359
Net (Surplus)/Deficit	(104,995)

Notes:

1. Denotes income from applications and annual fees received under the Licensing (Scotland) Act 2005
2. Denotes salary, superannuation, national insurance and pension costs associated with Legal Services/Depute Clerk, Licensing Officers, Licensing Standards Officers and other Council staff responsible for administrative support under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005. Where costs are not directly attributable to the Licensing Board's functions, costs have been allocated based on the proportional share of licensing applications in-year.
3. Denotes direct budgetary costs associated with the exercise of the Licensing Board functions, such as travel and transport costs, stationery, supplies and services etc.
4. Denotes the portion of centralised administrative costs such as ICT, training, property costs etc. that are allocated to Licensing and Licensing Standards relating to the functions of the Licensing Board. These allocations to Licensing and Licensing Standards are derived from the Council's Central Support Cost model.