

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

MONDAY 29th JANUARY 2018

START TIME 9.30am

Dean of Guild Room, City Chambers, Edinburgh

AGENDA

1. Minutes of meeting of 4th December 2017
2. Licensing Board Rules – Schedule of Meetings 2018/19
3. Licensing Hours – Royal Wedding
4. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list
5. Premises Licence Review Proposals – Non-payment of Annual Fees – 2017/18
6. Premises Licence Review Hearings – Non-payment of Annual Fees – 2016/17
7. Premises Licence Review Hearing – Assembly Roxy, 2 Roxburgh Place
8. Initial Consultation – Statement of Licensing Policy – Responses and Next Steps
9. Equality Act 2010 – Equality Outcomes – to follow

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:-

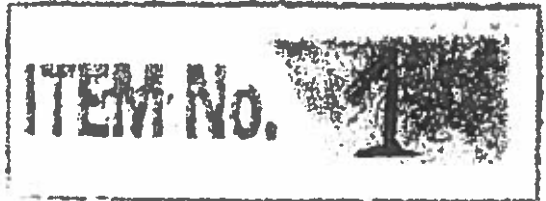
http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licensing_board

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LICENSING BOARD

MINUTES OF MEETING

MONDAY 4th DECEMBER 2017



Members present: Councillors Norman Work (Convener); Joanna Mowat; Gillian Gloyer; Nick Cook; Cathy Fullerton; David Key; Cammy Day

Apologies: Councillor Mary Campbell; Lezley-Marion Cameron; Callum Laidlaw

Police Officer: Sergeant John Young

Council Officers present: Tom Veitch (Licensing Standards Manager); Colin McCulloch (Building Standards); Keith Clark (Building Standards); Andrew Mitchell (Regulatory Standards Manager) for item 7

NHS Lothian: Jim Sherval

Depute Clerk: Morag Leck

1. Minutes of meeting of 30th October 2017

The minutes of the Board's meeting of 30th October 2017, together with the decision list for that meeting, were agreed.

Decision: Minutes and decision list agreed.

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 sixteen applications for variation of existing premises licences, fourteen applications for new premises or provisional premises licences and two applications for personal licences, the decisions for which are as detailed in the list appended to these minutes.

Declarations of interest: None

Divisions:

Provisional Premises application – 2. BCH (Edinburgh) Ltd. – 88 Bruntsfield Place

Councillor Fullerton, seconded by Councillor Work, moved grant of the application. Councillor Cook, seconded by Councillor Mowat, moved as an amendment that the application be granted with a midnight terminal hour.

Decision: Following a division, the application was granted, with Convener's casting vote.

Provisional Premises application – 8. The Rat Pack Ltd. – 88 Bruntsfield Place

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

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LICENSING BOARD

Councillor Fullerton, seconded by Councillor Gloyer, moved grant of the application. Councillor Mowat, seconded by Councillor Cook, moved as an amendment that the application should be refused.

Decision: Following a division, the application was granted.

NHS Lothian representations:

Variations

3. 201-207 Dalry Road (Lidl)
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. St John The Evangelist, 1 Lothian Road

New Provisionals

4. 42 Craigentenny Road (application withdrawn)
5. 66 Dalry Road

3. 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. The Board noted that she was not present and had not made contact. The Board agreed to revoke Ms Smith's licence, having regard to the licensing objectives.

Decision: Personal licence revoked

4. 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. The Board noted he was not present and had not made contact. The Board agreed to revoke Mr Fleming's licence, having regard to the licensing objectives.

Decision: Personal licence revoked

5. Premises Licence Reviews – Non-payment of Annual Fees

The Depute Clerk advised of the following premises, for which annual fees due for 2016/17 remained outstanding:-

- 6-8 Morningside Drive (S Harper)
- 126 Nicolson Street (C Longstaff)

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

The Board noted that LSOs had issued Compliance Notices, but that the fees remained outstanding. In the circumstances the Board agreed to schedule review hearings for the premises, for the meeting of 29th January 2018.

Decision: agreeing to schedule review hearings for 29th January 2018

6. Premises Licence Review – Assembly Roxy, 2 Roxburgh Place

The Depute Clerk advised of an application for review of the premises licence, submitted by the Council's LSOs. The Board heard from Tom Veitch regarding the terms of the application and from Alistair Macdonald who was present for the licence holder.

Following consideration of the representations made, the Board agreed that matters relevant to the grounds for review had been stated and that a review hearing would be scheduled for 29th January 2018.

Decision: agreeing to schedule a review hearing for 29th January 2018

7. Section 9B – Annual Financial Report

The Depute Clerk advised the Board of the requirement to publish an annual financial report, in line with section 9B of the 2005 Act. Andrew Mitchell presented the details of the financial report for the 2016/17 financial year and provided clarification to Board members on a number of points.

Following consideration of the terms of the report, the Board agreed to approve its terms and that the report should be published.

Decision: (a) annual financial report for 2016/17 approved; (b) report to be published online

8. Equality Act 2010 – Equality Outcomes – Update

The Depute Clerk advised the Board of work carried out in connection with the Board's Equality Policy, and associated equality outcomes. The Board was presented with drafts for consideration, and agreed that it would be appropriate to consult with the Licensing Forum on their terms before reaching final agreement.

Decision: agreeing (a) to note the contents of the report; (b) to authorise consultation with the Licensing Forum on the terms of the draft policy and equalities outcomes; and (c) following consultation for the final versions of policy and outcomes to be presented for the Board's approval.

Councillor Norman Work
Convener of the Licensing Board

DECISION LIST – 4 DECEMBER 2017

CONTINUED VARIATION PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	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	Increase on and off sale hours, allow children and young persons access to premises and change premises managers address	GRANTED New amplified music and vocals condition Capacity 120
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	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.	GRANTED C & YP access until 2100 Layout and operating plan confirming areas for C&YP access

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3.	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.	GRANTED subject to amendment by applicant – off-sales commence at 1100, and outdoor drinking until 1900 New amplified music and vocals condition
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	Increase capacity and amend description of premises.	GRANTED

DECISION LIST – 4 DECEMBER 2017

VARIATION PREMISES LICENCE APPLICATIONS

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.	CONTINUED FOR SITE VISIT
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.	GRANTED No outdoor drinking beyond 2200 Capacity 50
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	GRANTED

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4.	369360	Mr Roger Coulthard BOARD noting transfer application lodged and granted in meantime, new licence holder: Mark Galloway	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.	CONTINUED FOR SITE VISIT Board noting application amended to confirm 1100 commencement time and no Children beyond 2300, no young persons beyond 0100
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	CONTINUED FOR SITE VISIT
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	GRANTED New amplified music and vocals condition

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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.	GRANTED
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	GRANTED
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.	GRANTED Capacity 558

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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.	CONTINUED FOR SITE VISIT
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	Application amended to remove change to C&YP access. Amending Sunday commencement to 1100 GRANTED New amplified music and vocals condition Capacity 350

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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	GRANTED New amplified music and vocals condition C & YP access restricted – no later than 0100
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.	GRANTED

CONTINUED PROVISIONAL PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	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	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.	GRANTED No outdoor drinking beyond 2200 New amplified music and vocals condition No C&YP beyond 0100 for private functions

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PROVISIONAL PREMISES LICENCE APPLICATIONS

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.	GRANTED New amplified music and vocals condition Capacity 100
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.	GRANTED No outdoor drinking beyond 2200 New amplified music and vocals condition Capacity 120 (on a division)
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	CONTINUED FOR SITE VISIT

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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.	APPLICATION WITHDRAWN
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.	GRANTED
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.	GRANTED New amplified music and vocals condition
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.	Application amended – terminal hours – Sun-Thurs 2300; Fri-Sat 0100 GRANTED New amplified music and vocals condition No children beyond 2300, no YP beyond 0100 Capacity 15

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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.	GRANTED New amplified music and vocals condition Capacity 200 (on a division)
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.	GRANTED New amplified music and vocals condition Capacity 13 Off-sales restricted to provision with food
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.	Application amended – terminal hour Sun-Thurs 2300, Fri-Sat 0100 GRANTED New amplified music and vocals condition Capacity 20
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.	GRANTED New amplified music and vocals condition Off-sales provision for residents only

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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.	Application amended – terminal hour 2300 Sun-Thurs, 0100 Fri-Sat GRANTED New amplified music and vocals condition Capacity 20
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.	GRANTED New amplified music and vocals condition

DECISION LIST – 4 DECEMBER 2017

PERSONAL LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Decision
1.	368130	Finlay John Pritchard West	Macdonald Licensing, 21a Rutland Square, Edinburgh, EH1 2BB	CONTINUED to January meeting at Agent's request
2.	366325	Brian Scott	Macdonald Licensing, 21a Rutland Square, Edinburgh, EH1 2BB	CONTINUED to January, Board asking Police Scotland to provide more detailed information

DECISION LIST – 4 DECEMBER 2017

DECISION OMITTED FROM LIST FOR 30 OCTOBER 2017

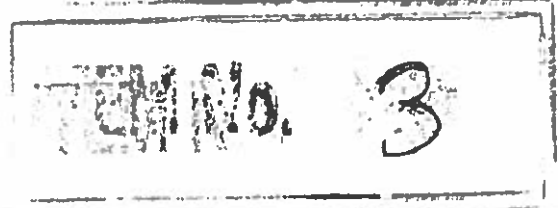
1.	364551	Mrs Jane Dickson Karayel	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	2 Bath Road, Edinburgh, EH6 7JT	No	No	Yes	To transfer the licence. To change the current music condition to the new version approved by the Board, to amend on and off sale hours , to add bar meals and Indoor/Outdoor 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	Application was amended to remove variation of amplified music and vocals condition GRANTED on basis that children and young persons' access remained unchanged; no Outside Drinking beyond 22:00; no amplified music and vocals in the outdoor area at rear of premises.
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Outline Diary 2018-19

W/C	Month	Year	Week
30	July	2018	1 – Licensing Board on 30 July
6	August	2018	2
13	August	2018	3
20	August	2018	4 – Council Meeting on 23 August
27	August	2018	5 – Licensing Board on 27 August
3	September	2018	6 – LVJB on 3 September
10	September	2018	7
17	September	2018	8 – Council Meeting on 20 September
24	September	2018	1 – Licensing Board on 24 September
1	October	2018	2
8	October	2018	3
15	October	2018	Recess (Schools week)
22	October	2018	4 - Council Meeting on 25 October
29	October	2018	5 – Licensing Board on 29 October
5	November	2018	6 – LVJB on 5 November
12	November	2018	7
19	November	2018	8 – Council Meeting on 22 November
26	November	2018	1 - Eurocities Conference 28-30 November Licensing Board on 26 November
3	December	2018	2
10	December	2018	3 – Council Meeting on 13 December
17	December	2018	Recess
24	December	2018	Recess (Schools week)
31	December	2019	Recess (Schools week)
7	January	2019	4
14	January	2019	5
21	January	2019	6
28	January	2019	7 – Licensing Board on 28 January
4	February	2019	8 – Council meeting on 7 February (Budget) LVJB on 4 February
11	February	2019	Recess (Schools week)
18	February	2019	1 - Council meeting on 21 February (Budget)
25	February	2019	2 – Licensing Board on 25 February
4	March	2019	3
11	March	2019	4 - Council meeting on 14 March
18	March	2019	5
25	March	2019	6 – Licensing Board on 25 March
1	April	2019	Recess
8	April	2019	Recess (Schools week)
15	April	2019	Recess (Schools week)
22	April	2019	7 – LVJB on 22 April
29	April	2019	8 – Council Meeting on 2 May Licensing Board on 29 April
6	May	2019	1
13	May	2019	2
20	May	2019	3
27	May	2019	4 – Council meeting on 30 May Licensing Board on 27 May
3	June	2019	5
10	June	2019	6
17	June	2019	7
24	June	2019	8 – Council meeting on 27 June LVJB on 24 June Licensing Board on 24 June
1	July	2019	Recess (Schools week)
8	July	2019	Recess (Schools week)
15	July	2019	Recess (Schools week)
22	July	2019	Recess (Schools week)
29	July	2019	Recess (Schools week)

Nicholas Fraser

Subject: Royal Wedding Extensions - Licensing



From: Linda Robinson
Sent: 09 January 2018 10:27

Subject: Royal Wedding Extensions - Licensing

To the Clerk to the Licensing Board

With regards to the upcoming nuptials of Prince Harry to Meghan Markle on 19th May 2018 and following on from the Home Secretary, Amber Rudd's statement 2 days ago "The royal wedding will be a time of national celebration, and we want everyone to be able to make the most of such an historic occasion. I hope that this relaxation of the licensing hours will allow people to extend their festivities and come together to mark what will be a very special moment for the country.", the government is looking to allow bars and other licensed premises to delay closing time on 18 and 19 May to allow the nation to better celebrate the Royal Wedding.

So that we may plan ahead to join in said celebrations, can you advise what your extension policy will be for this event of national significance?

Thanks for your help and look forward to hearing from you in due course.

Kind regards

Linda Robinson
PA/Secretary
Greene King plc | Belhaven Pubs | Atrium House| 6 Back Walk| Stirling | FK8 2QA

ITEM No.

4

THE CITY OF EDINBURGH LICENSING BOARD

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

29 JANUARY 2018

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

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	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	12 July 2017	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	

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

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
2.	369360	Mr Roger Coulthard	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	29-33 Dublin Street, Edinburgh, EH3 6NL	No	No	Yes	12/10/2017	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 – CONTINUED VARIATION PREMISES LICENCE APPLICATIONS

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	363430	Mr Parweez Khan	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1, 3a Dundas Street, Edinburgh, EH3 6QG	No	No	Yes	12/10/2017	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 – CONTINUED VARIATION PREMISES LICENCE APPLICATIONS

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
4.	369459	Corte Leisure Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	25 Jock's Lodge, Edinburgh	Yes	No	No	12/10/2017	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 – TRANSFER & VARIATION PREMISES LICENCE APPLICATIONS

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	373628	J&M Cameron Properties Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	37-39 Cowgate, Edinburgh, EH1 1JR	Yes	No	No	11 th January 2018	To propose additional condition of licence linking to partner premises	

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

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	373365	Attraction Inns Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	71 Cowgate, Edinburgh, EH1 1JW	Yes	No	No	11 th January 2018	Add TV Sport Commence on sale hours from 11:00 hrs on Sundays CC	
2.	373489	The Great Grog Company Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	2 Dalkeith Road, Edinburgh, EH16 5BP	No	Yes	No	11 th January 2018	Increase off sales hours, add recorded music, Club or group meetings, tastings and deliveries as activities, Increase capacity CC LSO	
3.	373190	Iceland Foods Limited	Iceland Foods Limited Second Avenue, Deeside Industrial Park, Deeside, CH5 2NW	8-10 Easter Road, Edinburgh, EH7 5RG	No	Yes	No	11 th January 2018	Increase in alcohol capacity due to refurbishment. Include other activities; ie home delivery, internet sales etc CC BSR	

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

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
4.	373582	Signature Pubs Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	49 Frederick Street, Edinburgh, EH2 1EP	No	No	Yes	11 th January 2018	Amend music condition; increase licensed hours on Sunday's, include restaurant facilities; amend children's access; allow recorded music outwith core hours; amend activities taking place outwith core hours. CC LSO	
5.	373575	EUSACO Premises Limited	TLT 140 West George Street, Glasgow, G2 2HG	41 Lauriston Place, Edinburgh, EH3 9EN	No	No	Yes	11 th January 2018	Amend Sunday Trading hours; amend children's access; permit certain activities outwith core hours CC LSO	

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LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
6.	373568	Timeout Bars Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	5-11 Leith Street, Edinburgh, EH1 3AT	No	No	Yes	11 th January 2018	Amend access for children and young persons' CC LSO	
7.	365765	Whitbread Group Plc	John Gaunt & Partners Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT	1 Lochside Court, Edinburgh, EH12 9FX	No	No	Yes	11 th January 2018	To amend the layout plan. CC	
8.	371814	Mr Asif Ibqal Hussain	Mr Asif Ibqal Hussain 547 Queensferry Road, Edinburgh, EH4 7QE	7-8 Moat Place, Edinburgh, EH14 1NY	No	Yes	No	11 th January 2018	Increase in capacity due to shop refurbishment CC LSO	
9.	369877	Sainsbury's Supermarkets Ltd	Shepherd and Wedderburn, LLP1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL	358 Morningside Road, Edinburgh, EH10 4QN	No	Yes	No	11 th January 2018	Store refurbishment resulting in increased capacity. CC	

THE CITY OF EDINBURGH LICENSING BOARD
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NOTICE OF APPLICATIONS - VARIATION PREMISES LICENCE APPLICATIONS

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
10.	373583	Keasim Edinburgh Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	242 Morrison Street, Edinburgh, EH3 8DT	No	No	Yes	11 th January 2018	Allow access for children/ young persons' Withdrawn	
11.	373531	Whisky Trail Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	32 North Bridge, Edinburgh, EH1 1QG	No	Yes	No	11 th January 2018	Increase in capacity and amend music condition CC LSO	
12.	373855	Signature Pubs Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	Precinct, 110-114 Rose Street, Edinburgh, EH2 3JF	No	No	Yes	11 th January 2018	Amend music condition; Include restaurant facilities; allow certain activities outwith core hours; amend children's access CC LSO O	

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

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
13.	371370	Lidl UK Gmbh	Harper Macleod LLP The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE	155 Slateford Road, Edinburgh, EH14 1NZ	No	Yes	No	11 th January 2018	Variation of alcohol display resulting in in capacity increase. CC LSO	

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NOTICE OF APPLICATIONS – CONTINUED PROVISIONAL PREMISES LICENCE APPLICATIONS

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	369274	Mr Vahap Firat	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	34 Cockburn Street, Edinburgh, EH1 1PB	No	No	Yes	12/10/17	Cafe located on ground floor of building in Cockburn Street with a mezzanine level not accessible to the public CC LSO BSR O	

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

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	371576	Tablinum Ltd	Mr Sean Kenneth Clark 6 Fraser Crescent, Edinburgh, EH5 2AN	3a Dundas Street, Edinburgh, EH3 6QG	No	No	Yes	11 th January 2018	Small restaurant situated within a commercial property. CC LSO BSR	

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

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	373490	Viewforth Express Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1 St Peter's Buildings, Edinburgh, EH3 9PG	No	Yes	No	11 th January 2018	Retail Premises located on the ground floor of St Peters Buildings, Edinburgh CC LSO BSR	
2.	373567	Victors of Edinburgh George Street Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	104 George Street, Edinburgh, EH2 3DF	No	No	Yes	11 th January 2018	Premises located on ground floor and basement of the building at a corner site of George Street and Castle Street CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
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NOTICE OF APPLICATIONS - PROVISIONAL PREMISES LICENCE APPLICATIONS

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	370441	Bill's Restaurants Ltd	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	15-19 Hanover Street, Edinburgh	No	No	Yes	11 th January 2018	Restaurant comprising Basement, Ground and first floors situated in the centre of Edinburgh Withdrawn	
4.	373363	Ms Anna Castagna	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	241 Morningside Road, Edinburgh, EH10 4QU	No	Yes	No	11 th January 2018	Takeaway located on ground floor of building on Morningside Road, Edinburgh CC LSO BSR	
5.	373362	Silvermills Estate and Land Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	3 Queensferry Street Lane, Edinburgh, EH2 4PF	Yes	No	No	11 th January 2018	Night Club / Live Entertainment Premises located on Queensferry Street Lane Edinburgh CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
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NOTICE OF APPLICATIONS - PROVISIONAL PREMISES LICENCE APPLICATIONS

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
6.	373626	Registers Restaurants Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	41-42 St Andrew Square, Edinburgh, EH2 2AD	No	No	Yes	11 th January 2018	Ground Floor with Basement / Mezzanine and gallery forming part of the former bank premises at 41-42 St Andrew Square, Edinburgh	
									Withdrawn	
7.	373616	Mr Jamshad Azam	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	42 Craigentenny Road, Edinburgh, EH7 6LT	No	Yes	No	11 th January 2018	Grocery Store Located on Ground floor of building on Craigentenny Road CC LSO BSR O	

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

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
8.	373493	Mrs Mercan Imanli	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	56 King's Road, Edinburgh, EH15 1DX	No	No	Yes	11 th January 2018	Cafe/restaurant premises located on the ground floor of a building at the corner of Kings Road and Kings Place, Portobello CC LSO BSR OI	
9.	373532	Mr Zhiyuan Dong	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	86 South Clerk Street, Edinburgh, EH8 9PT	No	Yes	No	11 th January 2018	Small shop located on the ground floor of tenement on South Clerk Street, with storage/staff area in basement CC LSO BSR	

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

29 JANUARY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
10.	373122	Iceland Foods Limited	Iceland Foods Limited Second Avenue, Deeside Industrial Park, Deeside, CH5 2NW	Unit 4, 1 Fruitmarket Place, Edinburgh, EH14 1UD	No	Yes	No	11 th January 2018	A retail supermarket premises providing a wide range of food, goods and other services including the sale of alcoholic products CC LSO BSR	

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

29 JANUARY 2018

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	

PREMISES LICENCE REVIEWS – NON-PAYMENT OF ANNUAL PREMISES
LICENCE FEES – 2017/18

1. Purpose

- 1.1 To advise the Board of details of premises, where annual fees for the period 2017/18 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 2017/18, having become due from 2nd October 2017, 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. Where the Board considers matters relevant to the grounds for review have been set out, it may make review proposals, leading to the requirement for review hearings to be held. 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 licences, 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 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 REVIEW HEARINGS – NON-PAYMENT OF ANNUAL
PREMISES LICENCE FEES – 2016/17

1. Purpose

- 1.1 To provide details of premises where annual fees for the period 2016/17 remain outstanding.
- 1.2 To ask the Board, having already agreed to make review proposals in each case, to hold review hearings for the various premises.

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. The premises licence holders have been written to on a number of occasions, to advise them of the requirement for outstanding fees to be paid. The Council's LSOs have visited the premises, issuing Compliance Notices requiring compliance with the mandatory conditions of licence, i.e. payment of the fees.
- 2.3. The Board was advised of the premises details at its meeting on 4th December 2017 and agreed to make review proposals for each. On the basis the fees remain outstanding, the Board is asked to hold hearings and decide in each case what action is considered necessary for the licensing objectives.

3. Recommendation

- 3.1 The Board is asked:-
 - (a) To hold review hearings for each of the premises where annual fees remain outstanding;
 - (b) To decide what action requires to be taken in each case, having regard to the licensing objectives.

4. Background Papers

- 4.1 Premises with details of outstanding annual licence fees.

Depute Clerk of the Licensing Board

PREMISES LICENCE REVIEW HEARINGS – NON-PAYMENT OF ANNUAL
PREMISES LICENCE FEES – 2016/17

LIST OF PREMISES WITH FEES OUTSTANDING FROM 2016/17 ONWARDS

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

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

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

1. Purpose

- 1.1 To advise the Board of the requirement to hold a hearing on a premises licence review application for the premises at 2 Roxburgh Place, Edinburgh.
- 1.2 To set out the options available, in the event that that the Board considers it is necessary for the purposes of the licensing objectives to take any action with the premises licence.

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;
 - (b) that having regard to the licensing objectives the premises licence holder is not a fit and proper person to hold the licence; or
 - (c) any other ground relevant to the licensing objectives:-
 - preventing crime and disorder,
 - securing public safety,
 - preventing public nuisance,
 - protecting and improving public health, and
 - protecting children and young persons from harm.
- 2.2. The Board agreed at its meeting on 4th December 2017 that the review application disclosed matters relevant to the statutory grounds for review, noting the Council's LSOs had submitted the application following a breach of Compliance Notice, connected with the amplified music and vocals condition attached to the premises licence.
- 2.3. The Assembly Roxy premises at 2 Roxburgh Place are described in the licence as a converted church on four levels consisting of theatre area, bar/cafe. The licence holder is Assembly Theatre Limited.
- 2.4. If the Board is satisfied that it is necessary or appropriate for the purposes of any of the licensing objectives the Board can, at the conclusion of the hearing, take any of the following steps:-
 - (a) issue a written warning to the licence holder;
 - (b) make a variation of the licence;
 - (c) suspend the licence for such period as the Board may determine;
 - (d) revoke the licence.
- 2.5. If in the course of a hearing the Board makes a finding that any personal licence holder who is or was working in the premises has acted in a manner which is considered to be inconsistent with any one or more of the licensing objectives, the Board must hold a hearing on the personal licence.

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

- 2.6. An updated LSO report detailing events subsequent to the Board meeting of 4th December has been prepared and will be provided to the Board members for consideration.

3. Recommendation

- 3.1 The Board is required:-

- (a) to hold a premises licence review hearing; and
- (b) to decide at the conclusion of the hearing what action requires to be taken, having regard to the licensing objectives.

4. Background Papers

- 4.1 Application for review of premises licence, dated 22nd November 2017
- 4.2 Update report, dated 16th January 2018

Depute Clerk of the Licensing Board

INITIAL CONSULTATION – STATEMENT OF LICENSING POLICY – RESPONSES AND NEXT STEPS

1. Purpose

Having carried out an initial consultation on its current Statement of Licensing Policy:-

- 1.1 To provide the Board with details of the responses received from consultees;
- 1.2 To seek the Board's views on conducting hearings on the responses received;
- 1.3 To seek the Board's views on carrying out its overprovision assessment;
- 1.4 To advise the Board of next steps in the policy preparation process.

2. Preparation of Statement of Licensing Policy

- 2.1. The Board is required by section 6 of the Licensing (Scotland) Act 2005 ("the Act") to publish a Statement of Licensing Policy ("the policy") setting out how it will exercise its functions. The Board must ensure that its policy promotes the licensing objectives set out in the Act.
- 2.2. The existing policy was agreed in November 2013 and was due to expire on 30th November 2016. The Air Weapons and Licensing (Scotland) Act 2015 amended the frequency by which policy statements must be published. Boards are now required to ensure publication within 18 months of local authority elections – in this instance, by 4th November 2018.
- 2.3. The new policy must include an overprovision assessment. The assessment requires to be prepared on the basis of evidence gathered from appropriate sources, and consulted upon before final inclusion in the policy.

Consultation – Policy

- 2.4. The Board agreed on 25th September 2017 to carry out an initial consultation, encouraging participation from as wide a range of consultees as possible. The Board asked for responses on the terms of its existing policy, and any other relevant matters. The Board highlighted the following as topics it had a particular interest in, but encouraged consultees not to be restricted by those topics in providing their responses:-

- Children and young persons' access to licensed premises
- Use of outdoor drinking areas
- Licensing of "pop-up" bars
- Extended use of occasional licences

INITIAL CONSULTATION – STATEMENT OF LICENSING POLICY – RESPONSES AND NEXT STEPS

- Overprovision
 - Extended Hours for events
- 2.5. The Board agreed to consider the terms of its current policy in light of the representations received, with a view to preparing an updated draft policy for a period of further, formal consultation later in 2018. The initial consultation started on 30th October 2017 and closed on 22nd December 2017. Details of the consultation were published on the Council's Consultation Hub, were sent out to a wide range of consultees and were set out in all communications sent from the Council's Licensing Service. The Board held its annual joint meeting with the Licensing Forum on 7th December 2017. The Board encouraged the Forum to respond to the initial consultation, and any such response will be provided for consideration.
- 2.6. The Board agreed there would be merit in holding hearings once the initial consultation period concluded. Board members are asked to consider arrangements for hearings being held. In view of the number of responses as set out at Appendix 1 below, it is suggested that up to two days are set aside in the Board's calendar, to accommodate hearing from consultees. Once the hearing dates are agreed, consultees can be invited to attend at particular times, to minimise waiting times. The meetings would require to be held in public, with the potential for webcasting if appropriate rooms can be obtained.
- 2.7. The conduct of the hearings can be agreed in advance and communicated to those invited to attend. At this stage acknowledgements have been sent to all of those who responded. The consultation responses provided at Appendix 1 are listed in the order they were received, and are not indicative of a hearing running order at this stage. It is suggested that the hearings proceed on the basis of hearing from those who have responded to the initial consultation, but the Board can invite others to attend if it considers this necessary, such as the Licensing Forum.
- 2.8. Whether the Board agrees to hold hearings, there will be a subsequent requirement for further reporting to the Board on the next part of the consultation process, involving preparation and eventual publication of a fresh draft policy, to allow the formal consultation stage to proceed.
- 3. Assessment of overprovision**
- 3.1. The Statement of Licensing Policy must include a statement by the Board as to the extent to which there is considered to be overprovision of (a) licensed premises, or (b) licensed premises of a particular description, in any locality within the Board's area, in terms of section 7 of the Act. The policy currently declares the Grassmarket/Cowgate locality to be an area of overprovision. The policy also refers to a number of localities of "serious special concern" regarding provision of

INITIAL CONSULTATION – STATEMENT OF LICENSING POLICY – RESPONSES AND NEXT STEPS

licensed premises, namely: - Tollcross; Dalry and Fountainbridge; Southside and Canongate; Old Town and Leith Street; South Leith; Leith Docks; Portobello. There have been a number of representations about the continued status of these areas, in the consultation responses received.

3.2. A number of consultee responses have referred to overprovision, both for and against the designation of overprovision localities. Some consultees have made specific locality suggestions for the Board on the basis of assessment of existing statistical information.

3.3. It is emphasised that it is for the Board to decide on a specific locality/localities, and in doing so it may treat its entire area as a locality, or declare there is no overprovision in any locality. In considering whether there is overprovision in a locality the Board:-

- (a) must have regard to the number and capacity of licensed premises in the locality
- (b) may have regard to such other matters as it thinks fit, including the licensed hours of premises in the locality

If the Board considers it necessary to designate any particular locality as being an overprovision locality, it will first have to obtain the specific information as set out above, before further consulting with:-

- the Chief Constable
- the Health Board
- such persons as considered to be representative of:-
 - premises licence holders in the locality
 - residents in the locality
- such other persons as the Board thinks fit

3.4. In considering the various consultation responses, the Board must ensure that up to date information is obtained from appropriate sources (particularly Police, NHS Lothian, the Council) if it considers that localities highlighted by the consultation show overprovision characteristics. Any localities identified by the Board as overprovision localities would then have to go through the further consultation process as set out above.

4. Next Steps

4.1 Having considered the consultation responses received, the Board is asked to consider the arrangements for conducting hearings on the responses received. The Board can instruct the Depute Clerks to make arrangements to set up the hearings, including how they are to be conducted.

4.2 At the conclusion of the hearings, the Depute Clerks would prepare a further report to the Board, including a draft of the policy incorporating

INITIAL CONSULTATION – STATEMENT OF LICENSING POLICY – RESPONSES AND NEXT STEPS

all of the evidence received to date, to enable the Board to agree the terms of a new draft policy for publication and formal consultation.

- 4.3 The Board will require to give further consideration to the preparation of its overprovision assessment. As stated earlier in the report, the Board can call upon Police, Health Board and Council to provide information to assist in preparing an overprovision assessment. The Board may wish to accept the EADP's offer to provide detailed analysis of alcohol sales outlet provision, being a body comprising these three organisations.

5. Recommendations

5.1 The Board is asked:-

- (a) To consider the terms of the various representations received to the initial consultation on policy;
- (b) To agree arrangements for holding hearings on the representations received, and to instruct the Depute Clerks accordingly;
- (c) To agree next steps for carrying out an overprovision assessment, and to instruct the Depute Clerks accordingly.

6. Background

- 6.1 Report to Licensing Board – 25th September 2017
- 6.2 Statement of Licensing Policy (25th November 2013)
- 6.3 Licensing (Scotland) Act 2005 sections 6 and 7 (as amended)
- 6.4 Scottish Government Guidance – Licensing (Scotland) Act 2005

Depute Clerk of the Licensing Board

INITIAL CONSULTATION – STATEMENT OF LICENSING POLICY – RESPONSES AND NEXT STEPS

APPENDIX 1 – CONSULTEE RESPONSES

Name	Organisation/Status
Caroline Magoha	Resident
Steven Cuthill	South East Locality Manager, CEC
Sam Piacentini	Old Town Community Council
Hilary McDowell	Resident
Steve Gregory	Morningside Community Council
Colin Christison	Southside Association
John McNeill	Senior Public Safety Officer, CEC
Luke McGarty	Scottish Grocers' Federation
Lindsay Robertson	Culture Manager, CEC
Jonathan Finn	New Town & Broughton Community Council
Innes Bolt	Montpeliers Limited
Hawys Kilday	Barnardo's Scotland
Roger Colkett	Tollcross Community Council
Laura Mahon	Alcohol Focus Scotland
David Williams	Edinburgh Alcohol and Drugs Partnership
Philip Johnston	Aldi Stores Limited
Green King plc	(submitted by agents, TLT LLP)
Paul Togneri	Scottish Beer and Pub Association
Marshall Bain	Scottish Licensed Trade Association
Tracey Stewart	Rowan Alba Limited
Tim Pogson	Southside Community Council
TLT LLP	Licensing Solicitors
Jim Sherval	NHS Lothian
Alex Wright	Muirhouse/Salvesen Community Council
Susan Carr	Craigmillar Community Council
Superintendent Bob Paris	Police Scotland
Penny Richardson	Stockbridge and Inverleith Community Council