

**NOTICE OF MEETING**

**MONDAY 27<sup>th</sup> AUGUST 2018**

**START TIME 9.30am**

**Dean of Guild Room, City Chambers, Edinburgh**

**AGENDA**

1. Minutes of Meetings of (a) 30<sup>th</sup> July 2018 and (b) 13<sup>th</sup> August 2018 – to follow
2. Verbal Update – formal consultation on draft revised Statement of Licensing Policy and Assessment of Overprovision
3. Chief Constable's Annual Report
4. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list
5. Update Report from LSO – Assembly Roxy, 2 Roxburgh Place, Edinburgh
6. Referral from Council's Corporate Policy and Strategy Committee – Report – Renewal of Permissions and Licensing Processes

**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](http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licensing_board)

**DECISION LIST – 30<sup>th</sup> JULY 2018**

**ITEM No.** 1

**TRANSFER AND VARIATION OF PREMISES LICENCE APPLICATION**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
10.	387332	Mr Gianpiero Crolla	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	38a George Street, Edinburgh, EH2 2LE	No	No	Yes	12/07/18	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy, to amend on-sales hours, to add off-sale hours, to amend activities and to submit a new layout plan and to transfer the premises licence holder. CC LSO O x1	GRANTED  Outdoor drinking to 10pm. New music condition

## DECISION LIST – 30<sup>th</sup> JULY 2018

### VARIATION OF PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	387219	V1 Group Ltd	Mr Andrew Donald Williams 24 Canning Street, Edinburgh, EH3 8EG	171 Bruntsfield Place, Edinburgh, EH10 4DG	Yes	No	No	12/07/18	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy, to amend core licensed hours, to add seasonal variations, to amend activities, to amend Children and Young person's access to premises, to increase to capacity, to add deliveries, to allow outdoor drinking, to change the layout and submit new layout plan of the premises. CC LSO BSR	GRANTED  Outdoor drinking 10pm  Capacity 38  New noise condition refused

## DECISION LIST – 30<sup>th</sup> JULY 2018

2.	387331	Civerinos Homeslice Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	81-85 St Leonard's Street, Edinburgh, EH8 9QY	No	No	Yes	12/07/18	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy, to amend on and off sale hours, to amend activities, to add takeaways and deliveries, to amend Young Persons access to premises and to change description of premises. CC LSO O x3	GRANTED  New music condition refused
3.	386504	Cafe Andaluz Restaurants Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	9A and 10-11 George IV Bridge, EH1 1EE	No	No	Yes	12/07/18	To add Outdoor Drinking as an activity. CC LSO	GRANTED  Outdoor drinking 10pm

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4.	386604	Van Restaurants Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Unit 54, Ocean Terminal, 98 Ocean Drive, Edinburgh, EH6 6JJ	No	No	Yes	12/07/18	To provide that the premises may be used as a venue for dance and music events during which time temporary bars and food outlets may be provided, and the capacity increased, to up to 1000. CC LSO BSR	CONTINUED FOR SITE VISIT
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# DECISION LIST – 30<sup>th</sup> JULY 2018

## CONTINUED PROVISIONAL PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	377987	Mr Linden Scott Wilkinson	Mr Linden Scott Wilkinson 2f2, 14 Kirk Street, Edinburgh, EH6 5EY	31 Market Street, Edinburgh, EH1 1DF	Yes	No	No	7/6/18	A themed horror attraction offering a guided tour with bar to be installed at the end of the experience. The bar will offer a selection of themed cocktails and soft drinks. CC LSO BSR NHS	CONTINUED AS DID NOT ATTEND

## DECISION LIST – 30<sup>th</sup> JULY 2018

### NEW PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
5.	387259	Las Delicias Ltd	Morton Fraser 2 Lister Square, Edinburgh, EH3 9GL	47 Great Junction Street, Edinburgh, EH6 5HX	No	Yes	No	12/7/18	Ground Floor delicatessen specialising in Spanish and South American produce. CC LSO BSR	GRANTED  New music condition  Capacity 8.2 linear metres

### PROVISIONAL PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
6.	385699	Seeds for the Soul Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	167 Bruntsfield Place, Edinburgh, EH10 4DG	No	No	Yes	12/07/18	Small café premises located on the ground floor and lower ground floor of a building in Bruntsfield Place, on the South side of Edinburgh. CC LSO BSR	GRANTED  New music condition  Capacity 20



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7.	386427	Rustom Restaurant Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	2 Grosvenor Street, Edinburgh, EH12 5EG	No	No	Yes	12/07/18	Licensed restaurant located on corner site of Grosvenor Street and Clifton Terrace, in former bank premises. CC LSO BSR O x6	GRANTED  Applicant removed outdoor drinking and live music.  Capacity 60  Old music condition to be applied
8.	386703	Mr Zahid Iqbal	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	34 Ferry Road Drive, Edinburgh, EH4 4BR	No	Yes	No	12/07/18	Small shop located on the ground floor of a building on Ferry Road Drive. CC LSO BSR O x12	CONTINUED FOR SITE VISIT
9.	387696	Sof-11 Erskine House Investment Lux Sarl	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	68-73 Queen Street, Edinburgh	No	No	Yes	12/07/18	A hotel with bar and dining facilities situated in the city centre of Edinburgh. CC LSO BSR	GRANTED  New music condition  Capacity 419  Off sales on Sunday amended to 11am in line with on sales

**DECISION LIST – 30<sup>th</sup> JULY 2018**

10.	387388	The Holyrood Distillery Limited	Brunton Miller Solicitors 22 Herbert Street, Glasgow, G20 6NB	71-73 St Leonard's Hill, Edinburgh, EH8 9SB	No	No	Yes	12/07/18	The premises will operate as a specialist whisky shop providing specialist whisky's for sale for consumption off the premises and tasting sessions on the premises. CC LSO BSR NHS	GRANTED  New music condition  On sales capacity 10
11.	385401	Martin McColl Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	8 Salamander Place, Edinburgh, EH6 7JW	No	Yes	No	12/07/18	Convenience store trading under company own format serving those locally and further afield. The store will operate outside of the core hours selling newspapers, magazines, grocery products, cold drinks etc. CC LSO BSR	CONTINUED

**DECISION LIST – 30<sup>th</sup> JULY 2018****PERSONAL LICENCE APPLICATIONS**

<b>No</b>	<b>Reference</b>	<b>Applicant</b>	<b>Agent Details</b>	<b>Comments</b>	<b>Decision</b>
1.	381519	Antonia McFaulds	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	CC CONTINUED from May & June	WITHDRAWN
2.	381806	Matthew Doverty		CC CONTINUED from May & June	REFUSED
3.	384031	Dillon John Anderson	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	CC	REFUSED
4.	385601	Paul Gardner		CC	CONTINUED



ITEM No. 3



**POLICE  
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
EDINBURGH LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> APRIL 2017 to 31<sup>ST</sup> MARCH 2018

## Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2017/18, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

I would like to acknowledge the contributions made to effective licensing regulation in the past year. Working in partnership is vital to ensure a fair and consistent approach to licensing whilst maintaining a focus on preventing alcohol fuelled violence, disorder and antisocial behaviour. Police Scotland is committed to continuing to work with partners in the 32 Local Authorities across Scotland to achieve positive outcomes.

Over the past year, Police Scotland has continued to achieve success with a focus on prevention, underpinned by early intervention and enforcement. This has only been possible with the support of the many active partnerships that exist in local areas. I will ensure that all officers and staff continue to work with the licensed trade and other key partners, utilising the range of options available to them to achieve improved licensing standards, reducing violence, disorder and antisocial behaviour across Scotland.

On 1<sup>st</sup> May 2018, Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation. The coming year will present many challenges but I am confident that through collaborative working, we will meet these challenges and continue to improve licensing standards and deliver a service to the communities of Scotland.

Mr Iain Livingstone QPM

Deputy Chief Constable Designate

Police Service of Scotland

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### **Police Scotland Licensing Overview**

The National Licensing Policy Unit (NLPU) sits within the Specialist Crime Division – Safer Communities based at Dalmarnock Police Office, Glasgow.

The NLPU is responsible for the two tier structure for licensing which supports both national and local priorities. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams.

Each of the 13 Local Policing divisions have locally based officers dedicated to the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

Police Scotland Licensing is supported and governed by a National IT solution known as 'Innkeeper'.

The NLPU and Licensing practitioners within Police Scotland develop partnerships and identify best practice which assist in a better understanding of the challenges faced by the Licensed Trade. This approach enables us to continue to work with local communities and key partners to prevent alcohol related crime and offences.

The NLPU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

### **National Perspective**

Our Priorities and Policing Plans continue to be shaped by the objectives contained within Scottish Government's Strategic Objectives and National Outcomes and the Strategic Policing Plans that are delivered locally through single outcome agreements.

Consultation and engagement is combined with our own analysis of the issues that impact on the safety of the public to provide a firm evidence base for local policing teams to prevent crime and disorder and Keep People Safe.

Our National Priorities are

- Violence, disorder and antisocial behaviour
- Serious organised crime
- Counter terrorism and domestic extremism
- Protecting people at risk of harm
- Road safety and road crime
- Acquisitive crime

### **Licensing Board Area**

The City of Edinburgh local authority area is policed by E Division.

Chief Superintendent Richard Thomas is the Local Police Commander who has the responsibility for all day-to-day policing functions.

### **Local Policing Priorities**

Following our public consultation process, the policing priorities for E Division for 2017-2018, as set out in our Local Policing Plan, are as follows:

- Acquisitive crime
- Public Safety
- Anti-social behaviour
- Serious and Organised crime
- Terrorism and Domestic Extremism

As part of the local policing priorities, Edinburgh Division will continue to focus on alcohol related violence and disorder, recognising that education, prevention, partnership work and robust policing are key factors in reducing crime and disorder in this area.

### **Senior Officers**

The senior officers who hold responsibility for licensing within the area of E Division are as follows;

Head of Department: Superintendent Bob Paris - Specialist Operations  
Chief Inspector Gillian Geany - Partnerships and Events

The Licensing Department is based at St Leonard's and consists of:

T/Inspector Mark Wilson, Sergeant John Young, 4 Police Constables and 3 Divisional Licensing Administrators.

### **Operation of the Licensing (Scotland) Act 2005**

Alcohol permeates a wide range of issues in our society and is often a causal factor in violence, domestic abuse and anti-social behaviour; incidents that the Police Service of Scotland deal with every day across the country.

We seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the division and all opportunities are taken to address the illegal or irresponsible sale, supply or consumption of alcohol. This is with the intention of

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preventing violent crime and disorder. The application of alcohol legislation continues to evolve through case law, statutory instruments and local board decisions. As such, policing tactics require flexibility to keep pace with these changes.

Our focus is to 'Keep People Safe' and we seek to reduce the negative impact that alcohol has on our communities. This is achieved through encouraging the responsible sale and supply of alcohol in well run licensed premises, taking positive action to stop the irresponsible supply of alcohol to children and young persons and preventing the over-supply to individuals already intoxicated in licensed premises.

This report details how Edinburgh division has carried out this function in 2017/18.

### Scottish Government Liquor Licensing Statistics 2016/17

Edinburgh currently has the highest number of premises licences in Scotland with 1979 premises licences in force on 31<sup>st</sup> March 2017 (1435 on sale and 544 off sale). In comparison, Glasgow had 1900 premises licences (1353 on sale and 547 off sale). The chart below provides a comparison with other major Scottish cities or areas.



### Crime and Disorder during the Night Time Economy (NTE)

Excessive consumption of alcohol is a significant factor in levels of crime and disorder, particularly during the NTE. This manifests itself in public space violence and disorder in areas densely populated with licensed premises or private space crime where individuals consume large quantities or cheap alcohol from off sales.



Alcohol fuelled crime is most visible at weekends within the City Centre. In order to manage this, a dedicated policing plan 'Operation Nightguard', is implemented every Friday and Saturday night purely to police the NTE. This policing detail can vary but generally comprises a minimum of 2 sergeants and 30 police officers in addition to regular shift officers and partners. This can be supplemented by an additional 10 officers when particular events dictate. This resource is necessary to retain a visible police presence in the City Centre due to the high level of alcohol fuelled crime and antisocial behaviour. The operation is also supported by an Edinburgh Licensing Standards Initiative (ELSI) Police officer who works closely with licensed premises in the city providing support to the Unight and Think Twice initiatives and local Pub Watches.

Partnership assistance comes in the form of patrols by Environmental Wardens, use of council CCTV, Taxi Marshalls and support from Street Pastors and the Street Assist Edinburgh project. The Street Assist initiative, delivered by a group of 40 volunteers provides help and support to vulnerable persons, they assist in matters from homelessness to becoming separated from friends on a night out. The project greatly assists the emergency services during the busy times within the city's night time economy.

#### Drunkness/Disorder Offences

Over the reporting period 2017-18 for the Board area the following licensing offences relating to drunkenness and disorder were recorded:

Offence	Total
Section 111 - Drunk persons entering or in premises on which alcohol is sold	4
Section 111(2) - Drunk and Incapable on relevant premises	1
Section 113 - Sale of alcohol to a drunk person	3
Section 114 – Premises manager, staff not to be drunk	1
Section 115 – Drunk/Disorderly conduct on premises	18
Section 116 - Refusal to leave licensed premises	62
Total	89

The figures for Section 115 reflect a slight decrease compared to last year's figures and shows a downward trend over the preceding two years. Section 116 offences have remained the same although lower than two years previously. This is an encouraging trend and it is likely that through the work of Police Scotland and partners engaging with premises management and being visible within and around licensed premises, that any issues that become apparent are being dealt with at an early stage. There has been a slight increase in Section 113 offences on previous years which is the result of local community policing teams and LSO's tackling anti-social behaviour associated with street drinking in the city centre.

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### Extended hours

Research has found that extending the hours during which licensed premises can sell alcohol is associated with higher levels of consumption and higher levels of crime and disorder.

Current Board policy states that the opening hours for public houses and bars is 0100 hours and for nightclubs and restaurants is 0300 hours. During the festival and festive seasons, premises benefit from two hours extra trading until 0300 hours and 0500 hours respectively.

During 2017-18 in addition to the seasonal festival variations in respect of extended hours there were a further 378 extended hours applications which were dealt with as follows.

<b>Occasional Extended Hours Applications</b>	<b>TOTAL</b>	<b>POLICE REPRESENTATION</b>	<b>POLICE OBJECTION</b>	<b>OBJECTION GRANTED</b>	<b>OBJECTION REFUSED</b>
<b>2017-18</b>	<b>378</b>	<b>226</b>	<b>88</b>	<b>27</b>	<b>61</b>

It is of note that many of the applications failed to provide sufficient information to enable determination that a genuine special event is taking place and justifies extended hours, other than appears to relate to additional drinking time and therefore at odds with the Board's policy and in direct conflict of the licensing objectives.

Furthermore rarely do applicants provide information indicating that they have considered the Licensing Objectives and how they intend to minimise risk to them.

Examples of extended hours applications that police do not believe to be in the spirit of the legislation include 'guest DJs', all bank holiday weekends and afternoon rugby matches where premises are looking for extended hours into the early hours of the following morning. Police Scotland are of the view that many of the reasons provided for extended hours do not meet the legislative criteria.

Section 20.5 of current Board policy states that "the Board recognises the value and necessity of a level playing field when determining hours of trading. In its experience the granting of extended hours in recognition of a particular style of trading merely leads to trade competitors adopting the same arguments in seeking similar hours and a process ensues which leads to extended hours becoming the norm".

The above statement is evident in the increase of extended hours applications with a significant number of venues seeking to maximise opportunity to trade over a number of days rather than for a specific day, event or occasion. Examples of this are premises who apply for extended hours for several days in respect of events such as St Patricks Day and Halloween.

Edinburgh division find that if one venue applies for a specific date/times, several other venues will follow suit to ensure they remain competitive. If pubs/bars request

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extended hours until 0300hrs, many clubs believe they will lose trade to these premises therefore feel it necessary to apply for extended hours until 0500hrs. This domino effect has a subsequent impact on crime, disorder, policing demands and resources as well as the licensing objectives.

Edinburgh division have requested the board consider, when granting extended hours that the applicant provides sufficient detail and a justification for the extended hours. Also that the Board considers sending a message to the trade that extensions should be for genuine significant local events, not merely commercial purposes and that consistency is applied in this regard.

### Off Sales

In Edinburgh alcohol sold as off-sales is made from a wide range of outlets, supermarkets, convenience stores, garages, off-sales and speciality shops. In 2016, 73% of all alcohol was bought in off-sales outlets in Scotland. Experts suggest that the main driver for change in consumer behaviour is price with alcohol prices significantly lower per unit in off-sales outlets. This change presents particular challenges in terms of,

- Preloading – drinking quantities of alcohol prior to going out to pubs, bars and clubs.
- Unregulated levels of consumption in the home leading to health harm.

### Summary of other offences committed

Offence	Total
Section 1 - Unlicensed sale of alcohol	0
Section 63 - Sale or supply out-with licensed hours	2
Total	2

### Section 94 - Think Twice Bail / Exclusion Orders

When an individual is charged with a violent offence on licensed premises within the Edinburgh city centre ward, a senior officer will consider the offence and decide whether a 'Think Twice' bail condition is justified, proportionate and necessary in the circumstances. The bail condition prevents the person from entering, attempting to enter any licenced premises within Edinburgh city centre ward where the licence permits the sale and consumption of alcohol on any part of the premises. A request is made to the Procurator Fiscal seeking a continuance of the conditions until the case is concluded. There were 315 such bail conditions imposed during the reporting period.

The reporting officers also request an exclusion order within the Police report, requesting that the accused person be excluded on conviction from licensed premises in the area where the offence was committed, for a period of time the court sees fit.

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### Section 97 - Closure Orders

There have been no closure orders implemented during the reporting period.

### The Intervention Process

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises. Police Scotland actively work with the licensed trade to problem solve issues at an early stage. In the majority of cases issues can be and are successfully resolved through communication and advice.

Where issues do emerge Police Scotland use an incremental process as part of our operational policing toolkit. This is designed to assist premises management to address matters, to reduce, prevent recurrence of alcohol fuelled violence, and other incidents of note which are directly linked to their premises. These measures if adopted reduce the necessity for an application to be made for a review of a premises or personal licence.

Incidents connected to licensed premises are monitored daily by the licensing team to establish whether any of the licensing objectives have been compromised or where other management/ licensing issues require to be addressed or improved.

Police Officers submit an Inspection of Licensed Premises Report via the Innkeeper Licensing IT system on every occasion they are called to attend an incident at licensed premises or following a proactive visit. Particular focus is placed upon violence, disorder, antisocial behaviour, drunkenness, drug dealing or misuse, underage drinking, breaches of licensing legislation and any other matter that might impact on the safety of the public.

An incremental process allows for these emerging issues to be addressed quickly and effectively at an early stage, reducing the likelihood of escalation and recurrence. In most cases the issues can be successfully resolved through communication and advice. Premises are generally keen to take on board licensing advice and recommendations made.

The level of engagement from within the Edinburgh trade is very good. However, where necessary, the process allows for elevated intervention to support premises where a need has been identified. Often this will involve an agreed action plan for improvements to resolve the issue(s). This is frequently undertaken in conjunction with tasked, supportive visits to the premises by Officers in order to discuss and examine the issues in more detail. These visits are designed to support staff and reassure patrons. Should the second stage not bring about the necessary changes, or be otherwise unsuccessful, the next stage is the submission of a premises licence review application for the attention and consideration of City of Edinburgh Licensing Board.

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Every intervention agreement follows SMART objective settings:

**Specific, Measurable, Achievable, Realistic and Timed.**

<b>Intervention Process - Stages</b>	
<b>No Action</b>	An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.
<b>Green – Monitored</b>	The premises have come to note for a minor issue and require to be monitored. This may result in an informal intervention providing advice / support to the premises along with police visits.
<b>Amber – Intervention</b>	Issues have arisen and an intervention action plan/agreement is drawn up by the police and implemented by the licence holder to resolve them. This action may be taken with more serious or repeat issues.
<b>Red - Problematic</b>	Premises are operating in a manner inconsistent with the licensing objectives or outwith the terms of their licence. Where local police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the licensing board is considered the most appropriate way to address the issue.

The following table illustrates the number of premises within each of the categories that were subject to the intervention process during the reporting year.

<b>Intervention Process - Stages</b>	
<b>Green - Monitored</b>	<b>15</b> licensed premises were the subject of monitoring
<b>Amber – Intervention</b>	<b>12</b> intervention meetings were held with premises
<b>Red - Problematic</b>	<b>1</b> Premise were identified as problematic

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### Summary of applications, Premises and Personal Licence Reviews

During the year 2017-18, the following applications were received and processed by the police licensing team.

Application	Total 2015-16	Total 2016-17	Total 2017-18	Representation 16-17	Representation 17-18	Objection 16-17	Objection 17-18
Personal Licence	1085	1011	886	12	18	16	1
New Premises Licence	84	60	76	30	53	0	1
Variation	917	818	710	63	83	2	0
Transfer	166	144	148	6	45	0	1
Occasional	2410	2640	3564	1261	1858	8	17
Extended Hours	275	381	378	150	226	95	79
	4937	5054	5762	1522	2283	121	99

#### Section 20 - Application for premises licence

Each application received from the Licensing Board is scrutinised by staff of the Divisional Licensing Team and where relevant, objections and representations are made to the Board, paying particular attention to both relevant convictions and the five licensing objectives. Within the limits of what the legislation permits, the Chief Constable will always endeavour to bring all relevant information before the Board to afford the fullest picture of the applicant/application to be considered in any subsequent deliberations.

#### Section 36 - Application for Review of Licence

During the reporting period there was one application to the Board.

#### Section 56 - Occasional Licences

Occasional licences add to the availability of alcohol in a Board area and there are a significant number granted in Edinburgh each year. As density and availability increases, so too does alcohol related harm. This can be observed in crime and disorder hotspots which are centred on areas saturated with licensed premises.

Due to the festival and festive seasons along with other significant events, Edinburgh is a popular venue for pop up bars. Consultation with the Board is ongoing to ensure that such bars do not become a permanent fixture and are licensed only for the duration of the festival / event.



### **Section 72 - Personal Licence Applications**

In line with the section above regarding premises applications, close scrutiny is made by the Divisional Licensing team paying particular attention to relevant convictions and the five licensing objectives.

### **Section 84 - Personal Licence Reviews**

The Licensing Team maintain an overview of the number of current Personal Licence Holders who are cautioned and charged with any relevant offences. Over the reporting period 5 of such licence holders have been convicted of relevant offences resulting in the Police responding to notification of conviction.

1 review under Section 84A of the Act was sought this reporting year.

### **Partnerships**

The licensing team, supported by local policing officers, have promoted the Police Service of Scotland's Force Priorities in conjunction with the five licensing objectives and the overarching principles and aims of the Licensing (Scotland) Act 2005.

The Licensing Team enjoy a positive working relationship with the Licensing Standards Officers (LSO's). Both teams meet on a regular basis to share information and over the reporting period there were numerous joint inspections of licensed premises in the Board area. Specific areas of concern which often prompts such visits are: information about lack of premises management, concerns around poor management and compliance with conditions relating to CCTV.

A key area in relation to partnership working with LSO's is during the planning phase for major and large scale events. This allows a joint working approach regarding the submission of Alcohol and Drug Management Plans by event organisers and any representations to be made to the Licensing Board in relation to conditions that may require to be attached to any plan. Furthermore, the ability for LSO's deployed alongside Police officers at events to undertake visits to licensed premises greatly enhances the ability to interact with the licensing trade.

Edinburgh Division Licensing Department works in partnership with the following groups and organisations to jointly improve local licensing issues:

- Edinburgh Licensing Forum;
- Licensing Standards Officers;
- Edinburgh Drug and Alcohol Partnership;
- Edinburgh Community Safety Partnership;
- Unight;
- Street Assist;
- Pubwatch initiatives;
- Best Bar None initiative;
- Community Alcohol Partnership initiative (CAP);
- Security Industry Authority;
- NHS Lothian;

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- Scottish Ambulance Service;
- Scottish Fire and Rescue Service;
- Immigration;
- HRMC.

### **Personal Safety Initiatives**

Data shows around 95% of rapes and sexual assaults incidents are committed by a person known to the victim or by a person the victim has just met. The following two initiatives are simple but effective and assist in inspiring potential bystanders and public house employees to identify safe options for intervention and importantly stop further victimisation.

#### **Bystander training**

Bystander training aims to provide understanding and support to make it easier for bar and door staff to spot when to intervene inside and outside venues as well as provide an insight to young person's attending colleges and Universities.

Bystander training inputs involves providing a presentation highlighting the potential vulnerability of patrons frequenting licensed premises. The purpose of this is to educate those operating as well as working within licensed premises and providing them with the knowledge needed to intervene when they assess a patron to be vulnerable or in need of assistance. These presentations are provided within the licensed premises to all available staff members. For larger operators of licensed premises, who may have a higher turnover of staff, it is also the intention to train a member of staff or management to cascade the information to other employees.

#### **Ask Angela Initiative**

The Ask for Angela initiative seeks to help people who are on a date or who have met someone at a venue and feel unsafe, get help from bar staff.

The initiative aims to reduce sexual violence and vulnerability by providing customers with a non-descript phrase they can use to get the attention of staff members who can help separate them from the company of someone with whom they feel unsafe due to that person's actions, words or behaviour.

Anyone who feels unsafe in such a situation can get help from bar staff by simply asking to speak to "Angela". Staff will then assist the person in leaving the venue discreetly and getting home or to a place of safety. This could mean taking the distressed person out of sight, calling for a taxi and making sure they get home okay or even asking the person causing distress to leave the venue if appropriate.

Tackling sexual violence is a priority for Police Scotland and delivery of these sessions will support local and national prevention work. (see activity for the year further on in report).



## Preventing the Sale or Supply of Alcohol to Children or Young People

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons via problem premises or by proxy (agent purchase). Working with our partners, we take appropriate action to address both the potential and actual misuse of alcohol within early years.

Edinburgh Community Alcohol Partnerships (CAP) have continued to expand across the division and continued their successful work during the reporting period to prevent underage sales through education and partnership work with licensees.

We are well aware of the success of Operation Savana, a multi-agency campaign involving City of Edinburgh Council, Scottish Government Alcohol improvement Partnership and local retailers which was instigated to target proxy purchasing in Leith during July 2016. The proxy purchase campaign has multiple intentions of raising awareness of the offence of buying alcohol for under age persons, reducing associated disorder and harm whilst targeting those responsible.

Police/LSO joint visits of licensed premises are undertaken within the designated area and premises are provided with information packs. Police Scotland continue to conduct both high visibility and plain-clothes patrols providing support to premises as well as detecting offenders who are reported for licensing offences. That said, within the reporting period we did not run any Proxy purchase campaigns.

Police Scotland has capability to carry out test purchase operations on an intelligence led basis. For the reporting period, no operations were carried out in Edinburgh as no premises met the necessary criteria. When intelligence is received about premises selling alcohol to persons under 18, the first stage in the process is to issue a warning letter to the premises. This is usually hand delivered by a member of the police licensing team who will inspect the premises and discuss expectations regarding responsible sale of alcohol with the licensee. Only when intelligence continues to be received should a test purchase operation be implemented.

Edinburgh Division is committed to continuing to engage with the community, in particular with schools through our school link officers and educational establishments to raise awareness of vulnerability and risk associated with the consumption of alcohol.

Over the reporting period 2017-18 for the Board area following licensing offences relating to the Sale or Supply of Alcohol to Children or Young People were recorded:

Offence	Total
Section 102 – Sale of alcohol to a child or young person	0
Section 103 – allowing the sale of alcohol to a child or young person	0
Section 104(b) – buy alcohol for young person	1
Section 105(4)(b) – Purchase of alcohol by or for a child or young person	2
Section 106 – Consumption of alcohol by a child or young person	1

## **NOT PROTECTIVELY MARKED**

The figures for Section 102 and 103 are very encouraging as both these sections recorded offences the previous two years. Police licensing continues to drive home the dangers and consequences of counterfeit, borrowed or stolen identity documents as proof of age to enter licensed premises and purchase alcohol. Initiatives have been carried out in conjunction with licensees to target young people attempting to gain entry to pubs and clubs.

### **Tackling Serious and Organised Crime**

Serious and organised crime has far reaching consequences that affect a large proportion of society and the economy. Those involved have spread their activity into an increased variety of criminal enterprises including illegal drugs, money laundering, fraud, human trafficking, fake goods and the licensed trade.

It is important to highlight that all applications submitted in respect of the Licensing (Scotland) Act 2005 are scrutinised in terms of the applicant (whether individuals or companies), the premises and the activity applied for to minimise the risk of organised criminals infiltrating the licensed trade.

Serious and Organised Crime Groups (SOCG) present a clear threat to the licensed trade in Edinburgh. Police continue to target known criminality in this area as well as attempting to reduce the opportunity for individuals to exploit legitimate licensing opportunities for their own illegitimate means.

Edinburgh Division Licensing Department works closely with the Divisional CID Proactive team as well as the Organised Crime and Counter Terrorism Unit (OCCTU) to act at the earliest opportunity to disrupt criminals who are believed to be running or involved in licensed premises. Where this can be evidenced, police licensing will provide the Licensing Board with information in an attempt to prevent or remove known criminals from premises.

At this current time, there are a number of SOCGs being managed by the Division with some of these groups having a known interest in a business requiring some form of licence to operate. This involvement in the licensing trade presents a clear opportunity to launder criminal proceeds. We are very much at the intelligence gathering stage and will always take any opportunity to carry out enforcement action around those individuals or businesses.

Edinburgh Division continues to carry out targeted premises visits to ensure that premises operate in line with licensing legislation. Such visits may also involve partner agencies including; HMRC, Council LSO's, Council Environmental Health, Fire Service, DVLA, SIA, and Immigration.

During the reporting period, there have been joint initiatives with Immigration enforcement to tackle illegal workers within licensed premises and the Fire Service to improve safety in establishments.

### Proposed Activity for the Year Ahead

Violence and disorder have a huge effect on victims but also on the wider community with the fear it generates. It also impacts on the desirability and economy of the area involved. There is frequently a link between violence, disorder and alcohol.

Specific activity for 2018-19 includes:

- Edinburgh division in partnership with other agencies will carry out operations aimed at problem licensed premises and their environs particularly where violent crime has occurred. We will use intelligence processes to identify hot spot areas for violence and develop action plans to target known problem areas.
- We will continue to target premises highlighted for misuse of drugs or other criminal activity through searches under warrant or proactive joint inspections, utilising Specialist departments including drugs dogs and CID where appropriate.
- We will work with partners to provide evidence to the Licensing Board in an attempt to responsibly control the number of alcohol licences issued for an area. We will continue to promote and increase licensed premises visits.
- We will continue to raise objections, representations and other concerns when appropriate.
- We will continue to engage with all partners involved in the licensed trade and work together with them to uphold the five licensing objectives and the spirit of the 2005 Act to ensure the safety and wellbeing of the people of Edinburgh.
- We will continue working in partnership with other agencies and Licensing Forum to support the delivery and outcomes of the Edinburgh Alcohol and Drug Partnership alcohol strategy that sets a strategic vision that *'Edinburgh is safe, healthy and has a culture of low risk drinking. The city is socially, economically and culturally vibrant and alcohol consumption is incidental to the good quality of life that people enjoy.'*
- We will work with partners to provide support and deliver personal safety Bystander and Ask Angela initiatives. We will carry out other awareness initiatives by way of posters and leaflets centred around licensed premises and over consumption of alcohol to tackle sexual violence.
- We will continue to embed and audit the new national licensing IT system Innkeeper within the division to further enhance the management of liquor and civic licensing records, documentation and information. The continued assistance obtained from City of Edinburgh Council is very much appreciated by Police Scotland. It is anticipated that this effective collaboration between the parties will continue to ensure that this valuable national resource remains fit for purpose and significantly improves the information available to assist with informed decision making.
- We will engage with major event and festival organisers to agree alcohol management plans that will set out how alcohol sale, supply and risk are to be

## **NOT PROTECTIVELY MARKED**

controlled. The aim is the delivery of safe and enjoyable events that achieve strategic objectives and comply with legislation.

- We will work closely with our City of Edinburgh Council locality leadership teams and work together on the locality improvement plans and carry out actions in relation to the priorities set around alcohol misuse.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative, problem solving approach which ensures that police, licence holders and licensed premises staff have a better understanding of their responsibilities to strengthen locally-led alcohol licensing in order to preserve order and promote safety and public health.

**ITEM No.**

**4**

**THE CITY OF EDINBURGH LICENSING BOARD**

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

**27 AUGUST 2018**

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**

**NOTICE OF APPLICATIONS – Continued Variation PREMISES LICENCE APPLICATIONS**

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	386604	Van Restaurants Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Unit 54, Ocean Terminal, 98 Ocean Drive, Edinburgh, EH6 6JJ	No	No	Yes	12/07/18	To provide that the premises may be used as a venue for dance and music events during which time temporary bars and food outlets may be provided, and the capacity increased, to up to 1000. CC LSO BSR	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	389421	Summerhall Management Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1 Summerhall, Edinburgh, EH9 1PL	No	No	Yes	9/8/18	To increase the capacity and to submit a substitute layout plan showing the extended licensed area. CC LSO BSR	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
2.	389420	Mrs Sadia Hussain	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	<b>Broomhouse Mini Market</b> 11 Broomhouse Market, Edinburgh, EH11 3UU	No	Yes	No	9/8/18	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy and to increase the alcohol display capacity. CC LSO BSR	



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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	388770	Iona Pub Partnership (Scotland) Limited	Iona Pub Partnership (Scotland) Limited Hamilton House, 70 Hamilton Drive, Glasgow, G12 8DR	<b>Hermitage</b> 1-5 Comiston Road, Edinburgh, EH10 6AA	No	No	Yes	9/8/18	To amend access for Children and Young Persons. CC	
4.	389181	The Hibernian Football Club Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	<b>Easter Road Stadium – Hibernian</b> 26 Albion Place, Edinburgh, EH7 5PZ	No	No	Yes	9/8/18	To add off sales to the premises, to add bar meals as an activity, to clarify that some activities may take place outwith core hours and to substitute a new Designated Premises Manager. CC	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
5.	388517	Cameron Estates (Scotland) Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Oz Bar 31-33 Candlemaker Row, Edinburgh, EH1 2QG	No	No	Yes	9/8/18	To amend the on and off sales of the premises. CC	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
6.	389275	Montpeliers (Edinburgh) Ltd	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	Opal Lounge 51a George Street, Edinburgh, EH2 2HT	Yes	No	No	9/8/18	To amend on sales of the premises and to add off sales to the premises, to amend and add activities to the premises, to allow some activities to take place outwith core hours, to amend Children and Young Persons access to the premises, to change the description of the premises and to submit a new layout plan following an internal reconfiguration to the premises. CC LSO	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
7.	389305	Papillon Edinburgh Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	<b>Wolf &amp; Water</b> 84 Commercial Street, Edinburgh, EH6 6LX	No	No	Yes	9/8/18	To increase the outdoor drinking area, to increase the capacity and to submit a new layout plan reflecting these changes and minor alterations. CC LSO BSR	
8.	387992	The Scran and Scallie	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	<b>Scran &amp; Scallie</b> 9-11 Mary's Place, Edinburgh, EH4 1JH	No	No	Yes	9/8/18	To amend the on sales of the Premises. CC O x11	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
9.	389207	Hillside Bowling Club	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	<b>Hillside Bowling Club</b> 9a Brunton Place, Edinburgh, EH7 5EG	No	No	Yes	9/8/18	To amend the on and off sale hours of the premises, to add seasonal variations to the premises, to add activites, to amend Children and Young persons access to the premises, to provide that activities may take place outwith core hours during the seasonal variations, to delete conditions 3 and 4 of the Premises Licence and to add a Designated Premises Manager to the premises.	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
									CC LSO	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
6.	388394	SACO the Serviced Apartment Company Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Eden Locke Gf, 127-129 George Street, Edinburgh, EH2 4JN	No	No	Yes	9/8/18	To delete the current Condition on amplified music and vocals, and to replace it with the new Condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy, to add off sales to the premises, to amend on sales of the premises, to add seasonal variations, to add activities to the premises, to provide that some activities may take place out	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
									<p>with licenced hours, to provide that some activities may take place during seasonal variations, to amend the access for Children and Young persons on the premises and to submit a new layout plan outlining the outdoor area.            CC            LSO</p>	



**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS – Continued Provisional PREMISES LICENCE APPLICATIONS**

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	377987	Mr Linden Scott Wilkinson	Mr Linden Scott Wilkinson 2f2, 14 Kirk Street, Edinburgh, EH6 5EY	31 Market Street, Edinburgh, EH1 1DF	Yes	No	No	7/6/18	A themed horror attraction offering a guided tour with bar to be installed at the end of the experience. The bar will offer a selection of themed cocktails and soft drinks. CC LSO BSR NHS	
2.	386703	Mr Zahid Iqbal	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	34 Ferry Road Drive, Edinburgh, EH4 4BR	No	Yes	No	12/07/18	Small shop located on the ground floor of a building on Ferry Road Drive. CC LSO BSR O x12	

**THE CITY OF EDINBURGH LICENSING BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS – Continued Provisional PREMISES LICENCE APPLICATIONS**

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	385401	Martin McColl Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	8 Salamander Place, Edinburgh, EH6 7JW	No	Yes	No	12/07/18	Convenience store trading under company own format serving those locally and further afield. The store will operate outside of the core hours selling newspapers, magazines, grocery products, cold drinks etc. CC LSO BSR	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	389097	Tani Modi	TLT LLP 3f10, 80 Hanover Street, Edinburgh, EH2 1EL	Tani Modi 103 Hanover Street, Edinburgh, EH2 1DJ	No	No	Yes	9/8/18	Licensed premises in the City Centre of Edinburgh with outdoor eating area. CC LSO BSR O x1	
2.	389476	Mr Robert Michael Baxter	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	233 Cowgate, Edinburgh, EH1 1JQ	Yes	No	No	9/8/18	Restaurant and bar comprising ground and first floors situated in Edinburgh City Centre. CC x2 LSO BSR NHS O x2	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	389169	The Edinburgh Masonic Club	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	<b>The Edinburgh Masonic Club</b> 3 Shrubhill Walk, Edinburgh, EH7 4RB	Yes	No	No	9/8/18	Club premises, located on ground and upper floor, of a development on Shrubhill Walk, Leith Walk, Edinburgh. CC LSO BSR	
4.	383403	Scarlyles Ltd	Mr Steven Thomas Carlyle Flat 8, 52 Bavelaw Road, Balerno, EH14 7AE	<b>Carlyles Bar &amp; Kitchen</b> 36 Main Street, Balerno, EH14 7EH	Yes	No	No	9/8/18	Premises will operate as a café by day and will operate as a restaurant on Friday and Saturday evenings. CC LSO BSR	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
5.	387857	Ms Sara Trequattrini	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	43 Broughton Street, Edinburgh, EH1 3JU	No	No	Yes	9/8/18	Small café located on the ground floor of a tenement on Broughton Street, with an outside area belonging to the premises, to the front. CC LSO BSR	
6.	389276	Muckle Brig Limited	TLT LLP 3f10, 80 Hanover Street, Edinburgh, EH2 1EL	Port of Leith Distillery Stillhouse 53 Tower Street, Edinburgh, EH6 7BN	No	No	Yes	9/8/18	Distillery stillhouse involved in production and distribution of alcohol. Alcohol may be dispatched from the premises and tours and tastings catered for. CC x2 LSO BSR	

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

**27 AUGUST 2018**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
7.	388982	Franco Manca 2 (UK) Ltd	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	<b>Franco Manca</b> Unit E2 South St Andrew Street	No	No	Yes	9/8/18	Restaurant situated at South St Andrew Street, Edinburgh. CC x2 LSO BSR	
8.	389385	Scottish Historic Buildings	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	<b>Patrick Geddes Centre</b> Riddle's Court, 322 Lawnmarket, Edinburgh, EH1 2PG	Yes	No	No	9/8/18	The premises is a multifunctional arts, educational and function venue based in the centre of Edinburgh. CC x2 LSO BSR O x1	

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

**27 AUGUST 2018**

<b>No</b>	<b>Reference</b>	<b>Applicant</b>	<b>Agent Details</b>	<b>Comments</b>	<b>Decision</b>
1.	385601	Paul Gardner		CC CONTINUED FROM JULY	
2.	391312	Michal Sumara	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	CC	

PREMISES LICENCE REVIEW – UPDATE FROM LSO – ASSEMBLY ROXY, 2  
ROXBURGH PLACE, EDINBURGH

**1. Purpose**

- 1.1 To advise the Board of the terms of an update report provided by the Council's LSOs.

**2. Main Report**

- 2.1. The Board considered the terms of an application for review of the Assembly Roxy premises licence, submitted by the Council's LSOs. The Board agreed at its meeting on 4<sup>th</sup> December 2017 that the review application disclosed matters relevant to the statutory grounds for review, having been submitted following a breach of Compliance Notice connected with the amplified music and vocals condition attached to the premises licence.
- 2.2. On 29<sup>th</sup> January 2018 the Board held a review hearing, when it heard from the LSOs and from the agent for the licence holder. The Board noted the terms of an updated LSO report provided by Tom Veitch, LSO Manager. He explained that a volume level set had been carried out at the premises, with sound limiter equipment installed. The licence holder's agent explained the premises manager would be on duty for any event taking place in the premises where amplified music and vocals were to be used.
- 2.3. After careful consideration the Board agreed not to take action with the premises licence at that time. The Board agreed that the premises should be monitored for a period of six months, with an LSO report to be provided to the Board on the premises' operation after six months had elapsed.
- 2.4. The LSOs have now provided an update report, which is before the Board for consideration.
- 2.5. 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.
- 2.6. If the Board is satisfied that it is necessary or appropriate for the purposes of any of the licensing objectives the Board can 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.
- 2.7. In making any decision on whether to take action with the premises licence, the Board should ensure that any action taken is proportionate. The LSO report confirms that since the date of the previous hearing there have been no witnessed breaches of the premises licence conditions.



PREMISES LICENCE REVIEW – UPDATE FROM LSO – ASSEMBLY ROXY, 2  
ROXBURGH PLACE, EDINBURGH

**3. Recommendation**

3.1 The Board is required:-

- (a) to consider the terms of the update report from the LSOs; and
- (b) to decide whether any further action requires to be taken, having regard to the licensing objectives.

**4. Background Papers**

- 4.1 Application for review of premises licence, dated 22<sup>nd</sup> November 2017
- 4.2 LSO report, dated 16<sup>th</sup> January 2018
- 4.3 LSO report, dated 10<sup>th</sup> August 2018

**Depute Clerk of the Licensing Board**

**Memorandum**

**From** Tom Veitch  
Regulatory Team Leader

**To** Licensing

**Our ref** S.36/08/2018

**Date** 10 August 2018

**Your  
ref**

**LICENSING (SCOTLAND) ACT 2005  
PREMISES LICENCE HOLDER : ASSEMBLY THEATRE LIMITED, 2 ROXBURGH  
PLACE, EDINBURGH, EH8 9SU  
PREMISES LICENCE NUMBER: 08/08255  
PREMISES ADDRESS: 2 ROXBURGH PLACE, EDINBURGH, EH8 9SU  
SECTION 36 LICENCE REVIEW - UPDATE**

I write to provide an update report to the Board regarding the premises licence review which was considered at the meeting of the Board on 29 January 2018.

Since the 29<sup>th</sup> January 2018, the Licensing Standards Officers have witnessed no other breaches of the noise condition for the premises at 2 Roxburgh Place, Edinburgh.

However, the client has continued to complain prolifically via email, and via four telephone calls, although in every instance the client will not permit Officers access to her property in order to witness any alleged breaches of the noise condition. It should be noted, that on several occasions the client has complained about amplified music from the premises, when the premises has in fact been closed.

Excluding the amplified noise condition, the client has primarily complained about disturbance from patrons outside the premises, which when monitored have never been witnessed. The client has uploaded videos of these incidents to Youtube, which when viewed by Officers, also showed no issues of concern in relation to the operation of the premises or its management of patrons.

There was a few complaints from the client about a faulty alarm in February of this year from the premises, which when brought to their attention, was quickly resolved.

Otherwise the client complaints are about matters which are not within the remit of the Licensing Standards Officers, and in these cases we have directed the client to the appropriate agency.

Due to the volume of the ongoing complaints from the client, we have also been seeking a meeting to discuss the complaints since March of this year, and to date we have not been successful in arranging a meeting despite our best efforts.

In summary, while the client continues to report breaches of the noise condition and refuse access to her property, Officers will continue to be unable to witness or take any appropriate action in relation to any alleged breaches of the noise condition. Otherwise, the Licensing Standards Officers have continued to monitor the premises since the meeting of the Board on January 29<sup>th</sup> 2018, and have no concerns about its operation at present.

These comments are provided for your consideration. If you have any questions regarding this representation please contact Tom Veitch on 0131 469 3871 or email at [tom.veitch@edinburgh.gov.uk](mailto:tom.veitch@edinburgh.gov.uk)

Yours faithfully

A handwritten signature in black ink that reads "Tom Veitch". The signature is written in a cursive, slightly slanted style.

Tom Veitch  
Regulatory Team Leader

# The City of Edinburgh Licensing Board

9.30am, Monday 27 August 2018

ITEM No.

6

## Renewal of Permissions and Licensing Processes – Update Report - referral from the Corporate Policy and Strategy Committee

Item number

Report number

Wards

### Executive summary

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The Corporate Policy and Strategy Committee on 7 August 2018 considered a report on how applications for permissions and licenses are shared with Councillors, officers and members of the public.

The report has been referred to the City of Edinburgh Licensing Board for consideration.

# Terms of Referral

## Renewal of Permissions and Licensing Processes – Update Report

### Terms of referral

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- 1.1 On 7 August 2018 the Corporate Policy and Strategy Committee considered a report on how applications for permissions and licenses are shared with Councillors, officers and members of the public.
- 1.2 An initial review had been carried out identifying the range of permissions and licenses that the Council issued. It was proposed that a review of local authority practice be commissioned over the next 12 months to identify best practice and suitable benchmarking against authorities.
- 1.3 In the short term it was proposed that local ward members be notified of proposed Traffic Regulation Orders (TROs) at the same time as community councils.
- 1.4 The Corporate Policy and Strategy Committee agreed:
  - 1.4.1 To note the complex legislation which governs in respect of roads, licensing, planning and building standards.
  - 1.4.2 To note the initial review carried out.
  - 1.4.3 To agree the review of local authority best practice and benchmarking as proposed
  - 1.4.4 To agree that local ward members will now receive Traffic Regulation Orders at the same time as community councils.
  - 1.4.5 To recommend to the City of Edinburgh Licensing Board that local ward members receive notification of liquor licence applications.

### For Decision/Action

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- 2.1 The Licensing Board is asked to consider the recommendation by the Corporate Policy and Strategy Committee that local ward members receive notification of liquor licence applications.

## Background reading / external references

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Webcast of the Corporate Policy and Strategy Committee of 7 August 2018

### **Laurence Rockey**

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### **Links**

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#### **Appendices**

Appendix 1 – Renewal of Permissions and Licensing Processes  
– Update Report

# Corporate Policy and Strategy Committee

10.00am, Tuesday, 7 August 2018

## Review of Permissions and Licensing Processes – Update Report

Item number 7.1  
Report number  
Executive/routine  
Wards  
Council Commitments

### Executive Summary

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On 24 August 2017 (Item 21) the Council agreed a motion to review and report on how applications for permissions and licenses are shared with Councillors, officers and members of the public.

An initial review has been carried out identifying the range of permissions and licenses that the Council issues.

It is proposed that a review of local authority practice is commissioned over the next 12 months to identify best practice and suitable benchmarking against authorities,.

In the short term it is proposed that local ward members are notified of proposed Traffic Regulation Orders (TROs) at the same time as community councils.

## Review of Permissions and Licensing Processes – Update Report

### 1. Recommendations

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#### 1.1 It is recommended that Committee

- 1.1.1 note the complex legislation which governs in respect of roads, licensing, planning and building standards;
- 1.1.2 note the initial review carried out;
- 1.1.3 agree the review of local authority best practice and benchmarking as proposed; and
- 1.1.4 agree that local ward members will now receive Traffic Regulation Orders at the same time as community councils.

### 2. Background

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2.1 On 24 August 2017 the Council agreed a motion to review and report on how applications for permissions and licenses are shared with Councillors, officers and members of the public and how potential improvements could be made to the process with a view to improving the accessibility, efficiency and transparency of information and services to improve the experience of citizens engaging with relevant service areas.

2.2 The full detail of the Council motion is set out as below:

- 2.2.1 Council notes the ongoing work across Council departments to improve the accessibility, efficiency and transparency of information and services to improve the experience of citizens engaging with relevant services.
- 2.2.2 Council therefore instructs the Chief Executive to review and report on (a) how applications for permissions and licenses are shared with Councillors, Officers and members of the Public and (b) potential improvements to that process.
- 2.2.3 The scope of information to be reviewed in the report must include, but is not limited to, the valid application and granting of:
  - 2.2.3.1 Planning applications;
  - 2.2.3.2 Road Construction Consents (RCCs) applications;



- 2.2.3.3 Building Warrant applications;
- 2.2.3.4 Transport Regulation Orders (TRO's);
- 2.2.3.5 Temporary Transport Regulation Orders (TTRO;s);
- 2.2.3.6 Roads awaiting adoption;
- 2.2.3.7 Liquor Licence applications;
- 2.2.3.8 Gambling Licence applications; and
- 2.2.3.9 Civic Licence applications.

**The report should consider:**

- 2.2.4 areas of duplication and the streamlining of information;
- 2.2.5 the extension of access to information;
- 2.2.6 the needs of Customers, Community Councils, Councillors, Officers, third party interests and the general public; and
- 2.2.7 the frequency of information being updated and available.

### **3. Main report**

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- 3.1 This report reviews how applications for a range of permissions and licenses are shared with Councillors, officers and members of the public and potential improvements to those processes with a view to enhancing access, efficiency and transparency.
- 3.2 An initial review has been carried out identifying the range of permissions and licenses that the Council issues.
- 3.3 Appendix 1 sets out the range of legislation under which permissions and licenses are granted by the Council in its role as planning, licensing, regulatory and roads authority for the city. These permissions are for activity undertaken by individuals and/or businesses which generally have an impact on the wider public and for which there is a public and community interest that needs to be considered that the Council ultimately represents.
- 3.4 These permissions include permission to:
  - 3.4.1 design, construct and adopt roads;
  - 3.4.2 build, adapt or extend property;
  - 3.4.3 events held in public spaces; and
  - 3.4.4 grant licenses for a range of commercial activity including liquor and gambling and taxis, private renting and premises that sell food.
- 3.5 Each of these permissions have their own requirements for publication, consultation and decision making including notification of local members, local communities and representative organisations. For example:

## **Transport and Roads**

3.5.1 For Traffic Regulation Orders (TROs) the Council must contact emergency services, bus companies and Freight and Road Haulage associations. Other organisations and bodies that are contacted include residents' associations, community councils, public utility companies and taxi companies. Copies of notifications are placed on lamp posts, in local print media and on Council and Scottish Government websites. There is no specific approach to communicating these measures to local members.

## **Building and Land Use**

3.5.2 Planning applications are made available on the Council's website. A weekly list of new applications is published on the Council's website and is sent to all community councils' and Councillors. Site notices are required in certain areas e.g. in conservation areas and neighbours living within 20 metres of planned development. Press adverts are required in some circumstances. There are different approaches to listed building consents, advertising permission, environmental impact assessments, local reviews, appeals, street-naming and planning obligations. The Council maintains a publicly available Building Standards register of applications and decisions. There is no requirement for notification.

## **Licensing**

3.5.3 Licensing for liquor and gambling are governed by two separate Acts, the Licensing (Scotland) Act 2005 and the Gambling Act 2005. Liquor licenses for new premises and amendments to existing licences are published online in advance of Licensing Board meetings. Application details are circulated to Police Scotland, Fire and Rescue Service, NHS Lothian and relevant community councils. Notification is made to neighbours within a 10 metre boundary of the premises. Applicants are required to display a site notice with details of application, within the vicinity of premises for 21 days. For gambling licences for new premises and variations applicants are required to place an advert in local newspapers and a site notice and notify relevant authorities including Police, HMRC and the Gambling Commission. There is no specific approach to informing local councillors.

3.5.4 The Council is the licensing authority for a range of commercial activities including taxis and private hire cars, cinemas, theatres and the keeping of animals as well as renting of private rented sector property and the licensing of Houses in Multiple Occupation (HMOs).

3.5.5 All taxi, private hire car and HMO applications are recorded on the public licensing registers on the Council's website and copies sent to Police Scotland as a statutory consultee. In the case of HMO applications Fire and Rescue Services are also notified as a statutory consultee and applicants are required to display a site notice on or near the premises for 21 days. Registrations of private landlords are noted on the national landlord

registration database. Community Councils and ward councillors are not notified of HMO or Landlord Registration applications.

- 3.5.6 The Council also processes temporary licenses for events each year. There is no right to public objection to these and no requirement to display a site notice. Where representations are made by members of the public these are normally referred to the Licensing sub-committee on a discretionary basis.
- 3.6 In summary, the notification of, and consultation on, the wide range of permissions and licenses issued by the Council complies with required legislative requirements and use the appropriate local and national registers.
- 3.7 However, many of the ways in which such the notification and communication of applications for permissions and licenses are arguably outdated. Local ward members have also expressed concerns about the lack of early notification of applications, particularly for roads, where members often find out about applications from other parties including community councils. Additionally, while social media is increasingly used to make information available, this does not necessarily make information on applications any more accessible.
- 3.8 There is clearly scope to improve the accessibility and transparency of information on permissions and licenses but it is also important that improvements are developed concurrently with streamlining and more efficient processing to ensure that delays in managing these processes are not an unintended consequence.

#### **Next steps - best practice review**

- 3.9 It is proposed that over the next 12 months a review of local authority practice is commissioned to identify best practice and suitable benchmarking against authorities. This review will focus mainly on practice from mainly urban authorities and have an emphasis on how local members are supported in their role in engaging with the public on these issues. The review will also include a more detailed assessment of how improved transparency and accessibility of information is constrained by statutory or other legislative requirements.
- 3.10 In the short term it is proposed that local ward members are notified of proposed TROs at the same time as community councils.

#### **4. Measures of success**

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- 4.1 Local members receive TRO notifications at the same time as community councils.
- 4.2 In the longer term, improved processes for dealing with permissions and licenses; improved accessibility and efficiency and improved engagement with citizens.

#### **5. Financial impact**

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- 5.1 The current service costs are contained within the Place revenue budget.

5.2 The cost of the review will be met from the Licensing budget.

## **6. Risk, policy, compliance and governance impact**

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6.1 The legislation in place for each of these processes is outlined in appendix 1.

6.2 Any proposed changes will be considered in the context of existing and any known changes proposed to the legislation.

## **7. Equalities impact**

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7.1 It is anticipated that any changes will have a positive equalities impact, however a full impact assessment will be undertaken before changes are implemented.

## **8. Sustainability impact**

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8.1 There are currently no sustainability impacts arising from this. A full impact assessment will be carried out on any proposed changes.

## **9. Consultation and engagement**

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9.1 The review will look at best practice and benchmarking of other Local Authorities.

9.2 Engagement with Elected Members and stakeholders will be carried out before any further changes are implemented.

## **10. Background reading/external references**

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10.1 None.

### **Paul Lawrence**

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## **11. Appendices**

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Appendix 1 – Legislation which applies to dealing with applications and notification of such

## **Appendix 1 – Legislation which applies to dealing with applications and notification of such**

### **A. Roads**

#### Traffic Regulation Order (TRO)

- Road Traffic Regulation Act 1984; and
- the Local Authorities' Traffic Orders (Procedure) (Scotland) Act 1999.

#### Temporary Traffic Regulation Order (TTRO)

- Road Traffic Regulation Act 1984;
- the Road Traffic (Temporary Restrictions) Procedure Regulations 1992;

#### Road Construction Consent (RCC)R

- Roads (Scotland) Act 1984 sections 21, 22 and 23.

### **B. Licensing**

#### Civic, Taxis and Miscellaneous

- Civic Government (Scotland) Act 1982 as amended
- Cinemas Act 1985
- Theatres Act 1968
- Performing Animals Regulation Act 1925
- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts of 1964 and 1970
- Breeding of Dogs Act 1973 and 1991
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981

#### HMO and Private Landlords

- Housing (Scotland) Act 2006
- Antisocial Behaviour, etc. (Scotland) Act 2004

#### Liquors and Gambling

- Licensing (Scotland) Act 2005
- Gambling Act 2005

### **C. Planning**

- The Planning etc. (Scotland) Act 2006
- Town and Country Planning (Scotland) Act 1997
- The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- The Town and Country Planning (Development Management Procedure Regulations) (Scotland) 2013 – updated May 2017
- The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017; Circular 1/2017 Guidance on EIAs
- The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984;
- The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013; Circular Planning Appeals 4/2013; Circular Schemes of Delegation and Local Reviews 5/2013
- The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010; Planning Obligations Circular 3/2012
- Tree Preservation and Trees In Conservation Areas (Scotland) Regulations 2010
- Licensing Act Scotland 2005 – S50 certificates
- Civic Government (Scotland) Act 1982 – street naming applications
- The Town and Country Planning (Hazardous Substances)(Scotland) Act 2015
- The Town and Country Planning (Enforcement of Control) (No. 2) (Scotland) Regulations 1992

#### **D. Building Standards**

- The Building (Scotland) Act 2003 (came into force 2005)
- Building Standards Technical Handbooks