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LICENSING BOARD

MINUTES OF MEETING

MONDAY 27th AUGUST 2018

Members present: Councillors Norman Work (Convener); Catherine Fullerton; Joanna Mowat; Callum Laidlaw; Lezley Marion Cameron; Gillian Gloyer; Steve Burgess (from 10.30am)

Apologies: Councillors Cammy Day; Nick Cook; David Key

Police Officers: Inspector Mark Wilson, Sergeant Craig Fogg, Acting Sergeant Emily Noble

Council Officers present: Tom Veitch (Licensing Standards Manager); Pixie Williamson (LSO); Colin McCulloch (Building Standards)

NHS Lothian: Jim Sherval

Depute Clerk: Nick Fraser

1. Minutes of Meetings of (a) 30th July 2018 and (b) 13th August 2018

The minutes of the meetings of 30th July and 13th August 2018 were agreed as providing accurate records of those meetings

Decision: minutes of 30th July and 13th August 2018 agreed.

2. Verbal Update – formal consultation on draft revised Statement of Licensing Policy and Assessment of Overprovision

The Depute Clerk advised the Board's consultations on the draft Statement of Licensing Policy and the Assessment of Overprovision were now open, with details published on the Council's online Consultation Hub and circulated to consultees. He advised there had been a delay of around a week in publishing the details online and the Board agreed therefore to extend the deadline for responses to 5th October 2018.

The Board noted there would be a requirement to hold its joint meeting with the Licensing Forum, and agreed that meeting should be held once the consultations period had closed.

Decision: deadline for responses to consultations extended from 1st to 5th October 2018. Joint meeting with Licensing Forum to be held after that date.

3. Chief Constable's Annual Report

Inspector Mark Wilson was in attendance to speak to the terms of the report. He highlighted particular parts of the report, including the manner in which Extended Hours applications were made, and the increased use of occasional licence applications for temporary licensing of premises.

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

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Board members discussed the terms of the report and impacts upon police resourcing in the city centre area. The Board also noted the success of the “Ask Angela” initiative, and the intention for it to be rolled out further.

4. Change of Licensing Board Membership

The Convener advised the Board that Councillor Steve Burgess would be joining the Board (his completion of the mandatory training was confirmed later in the morning), replacing Councillor Mary Campbell who had resigned as a Board member.

The Convener expressed his thanks for Councillor Campbell’s contribution to the work of the Board over the past year, and welcomed Councillor Burgess as a new Board member.

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

The Board considered eleven applications for variation of premises licences, eleven applications for provisional and 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:

Variation of premises licence application – 8. Scran and Scallie, 9-11 Mary’s Place

Councillor Work, seconded by Councillor Mowat moved refusal of the application. Councillor Laidlaw seconded by Councillor Fullerton proposed as an amendment that the application be granted with a condition attached that alcohol would only be provided between 9-11am with a meal.

Decision: Following a division, the application was refused.

NHS Lothian representations:

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| 1. | Continued Provisional | Linden Wilkinson | 31 Market Street |
| 2. | New Provisional | Robert Baxter | 233 Cowgate |

6. Update Report from LSO – Assembly Roxy, 2 Roxburgh Place, Edinburgh

The Depute Clerk referred to an application for review of the premises licence, submitted by the Council’s LSOs and considered by the Board at a hearing on 29th January 2018. On that date the Board agreed to take no action, but that the LSOs should monitor the operation of the premises and provide an update report

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

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to the Board after a period of six months had elapsed. Tom Veitch presented a report on the operation of the premises, and provided an update for the Festival period. The Board heard from Alistair Macdonald on behalf of the licence holder and from Nik Whybrew, who was present from the Assembly Roxy.

The Board agreed that no further action would be taken with the review application, and noted the terms of the LSO report.

7. Referral from Council's Corporate Policy and Strategy Committee – Report – Renewal of Permissions and Licensing Processes

The Board noted the terms of the committee referral. Members agreed that further time would be needed to consider the terms of the report and the implications arising from what was being suggested, about local ward members receiving notifications of liquor licence applications.

The Board agreed to continue consideration of the referral to a later date.

Councillor Norman Work
Convener of the Licensing Board

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DECISION LIST – 27 AUGUST 2018

VARIATION OF PREMISES LICENCE APPLICATIONS – CONTINUED FROM 30 JULY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	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	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.	CONTINUED – for further consideration of proposal from applicant to agree condition regarding use of Public Entertainment licensing for events carried out at premises.

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VARIATION OF PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	389421	Summerhall Management Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1 Summerhall, Edinburgh, EH9 1PL	No	No	Yes	To increase the capacity and to submit a substitute layout plan showing the extended licensed area.	CONTINUED for Site Visit
2.	389420	Mrs Sadia Hussain	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Broomhouse Mini Market 11 Broomhouse Market, Edinburgh, EH11 3UU	No	Yes	No	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.	GRANTED "No audible nuisance" condition attached Board noting premises licence for 13 Broomhouse Market to be surrendered as at 30 September 2018

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3.	388770	Iona Pub Partnership (Scotland) Limited	Iona Pub Partnership (Scotland) Limited Hamilton House, 70 Hamilton Drive, Glasgow, G12 8DR	Hermitage 1-5 Comiston Road, Edinburgh, EH10 6AA	No	No	Yes	To amend access for Children and Young Persons.	GRANTED
4.	389181	The Hibernian Football Club Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Easter Road Stadium – Hibernian 26 Albion Place, Edinburgh, EH7 5PZ	No	No	Yes	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.	GRANTED
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	To amend the on and off sales of the premises.	GRANTED

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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	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.	Application AMENDED by applicant's agent, confirming only seeking to add "restaurant and bar meals" as activities in operating plan. Amended application GRANTED.
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7.	389305	Papillon Edinburgh Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Wolf & Water 84 Commercial Street, Edinburgh, EH6 6LX	No	No	Yes	To increase the outdoor drinking area to increase the capacity and to submit a new layout plan reflecting these changes and minor alterations.	GRANTED Outdoor drinking – 2200 Capacity - 210 Premises name “Papillon”
8.	387992	The Scran and Scallie	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	Scran & Scallie 9-11 Mary's Place, Edinburgh, EH4 1JH	No	No	Yes	To amend the on sales of the Premises.	REFUSED (on a division)

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9.	389207	Hillside Bowling Club	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Hillside Bowling Club 9a Brunton Place, Edinburgh, EH7 5EG	No	No	Yes	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.	GRANTED
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10.	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	To delete current Condition on amplified music and vocals, and replace with new condition agreed by Board at its meeting on 26th September 2016, to add off sales, to amend on sales, add seasonal variations, add activities to the premises, to provide that some activities may take place out with licenced hours, to provide that some activities may take place during seasonal variations, amend access for Children and Young persons on premises and to submit a new layout plan outlining the outdoor area.	CONTINUED for site visit
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PROVISIONAL PREMISES LICENCE APPLICATIONS – CONTINUED FROM 30 JULY 2018

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	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	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.	Applicant not present. Board agreed to proceed in his absence. REFUSED
2.	386703	Mr Zahid Iqbal	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	34 Ferry Road Drive, Edinburgh, EH4 4BR	No	Yes	No	Small shop located on the ground floor of a building on Ferry Road Drive.	GRANTED Amended capacity – 33.65m “No audible nuisance” condition attached

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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	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.	GRANTED
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PROVISIONAL PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	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	Licensed premises in the City Centre of Edinburgh with outdoor eating area.	GRANTED Outdoor drinking – 2200 Capacity – 30 “no audible nuisance” condition attached
2.	389476	Mr Robert Michael Baxter	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	233 Cowgate, Edinburgh, EH1 1JQ	Yes	No	No	Restaurant and bar comprising ground and first floors situated in Edinburgh City Centre.	WITHDRAWN
3.	389169	The Edinburgh Masonic Club	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	The Edinburgh Masonic Club 3 Shrubhill Walk, Edinburgh, EH7 4RB	Yes	No	No	Club premises, located on ground and upper floor, of a development on Shrubhill Walk, Leith Walk, Edinburgh.	GRANTED “no audible nuisance” condition attached Outdoor drinking – 2200

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4.	383403	Scarlyles Ltd	Mr Steven Thomas Carlyle Flat 8, 52 Bavelaw Road, Balerno, EH14 7AE	Carlyles Bar & Kitchen 36 Main Street, Balerno, EH14 7EH	Yes	No	No	Premises will operate as a café by day and will operate as a restaurant on Friday and Saturday evenings.	CONTINUED – applicant not present
5.	387857	Ms Sara Trequattrini	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	43 Broughton Street, Edinburgh, EH1 3JU	No	No	Yes	Small café located on the ground floor of a tenement on Broughton Street, with an outside area belonging to the premises, to the front.	GRANTED Outdoor drinking – 2200 “No audible nuisance” condition attached Capacity - 18
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	Distillery stillhouse involved in production and distribution of alcohol. Alcohol may be dispatched from the premises and tours and tastings catered for.	GRANTED “No audible nuisance” condition attached Capacity – 20

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7.	388982	Franco Manca 2 (UK) Ltd	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Franco Manca Unit E2 South St Andrew Street	No	No	Yes	Restaurant situated at South St Andrew Street, Edinburgh.	GRANTED On and off sales start 1100 Sunday “no audible nuisance” condition attached Capacity – 100 Children access until 2300, young persons’ access until end of core licensed hours
8.	389385	Scottish Historic Buildings	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Patrick Geddes Centre Riddle’s Court, 322 Lawnmarket, Edinburgh, EH1 2PG	Yes	No	No	The premises is a multifunctional arts, educational and function venue based in the centre of Edinburgh.	GRANTED “no audible nuisance” condition attached Outdoor drinking – 2200 Capacity – 220 Children and young persons’ access until end of core licensed hours

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PERSONAL LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Comments	Decision
1.	385601	Paul Gardner		CONTINUED FROM JULY	CONTINUED – final time
2.	391312	Michal Sumara	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL		GRANTED