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LICENSING BOARD

MINUTES OF MEETING

MONDAY 29th OCTOBER 2018

Members present: Councillors Norman Work (Convener); Catherine Fullerton; David Key; Joanna Mowat; Callum Laidlaw; Gillian Gloyer; Steve Burgess;

Apologies: Councillors Nick Cook; Lezley Marion Cameron; Cammy Day

Police Officer: Sergeant John Young

Council Officers: Tom Veitch (Licensing Standards Manager); Colin McCulloch (Building Standards)

NHS Lothian: Elizabeth Oldcorn

Depute Clerk: Nick Fraser (items 1-4); Morag Leck (items 5-6)

1. Minutes of Meeting of 24th September 2018

The minutes and decision list for the meeting of 24th September 2018 were agreed as providing an accurate record of that meeting.

Decision: minutes agreed

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

The Board considered sixteen applications for variation of premises licences, one application for transfer and variation, nine applications for provisional premises licences and two applications for personal licences, the decisions for which are as detailed in the list appended to these minutes.

Declarations of interest: None

Divisions:

Variation of premises licence application – 1. The Inverleith, 10 Bowhill Terrace

Councillor Burgess, seconded by Councillor Key, moved grant of the application, but with commencement hour to remain at 1000 rather than 0900 as requested, Mondays to Saturdays. Councillor Work, seconded by Councillor Fullerton, moved as an amendment that the application should be granted, with the condition that the provision of alcohol during the additional hour Mondays to Saturdays would be with food. Following a division, the application was granted, with the condition that the provision of alcohol during the additional hour Mondays to Saturdays would be with food.

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

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Variation of premises licence application – 4. ONE20 Wine Café, 120 Dundas Street

Councillor Fullerton, seconded by Councillor Work, moved grant of the application. Councillor Gloyer, seconded by Councillor Mowat, moved as an amendment that the application should be granted, but with terminal hour of 2300 Sunday – Thursday, rather than 2330 as requested. Following a division, the application was granted, but with terminal hour of 2300 Sunday – Thursday, rather than 2330 as requested.

Personal licence application – 1. Cletus Calvin Okpala

Councillor Burgess, seconded by Councillor Gloyer, moved grant of the application. Councillor Fullerton, seconded by Councillor Laidlaw, moved as an amendment that the application should be refused. Following a division, the application was granted.

NHS Lothian representations:

11.	variation	Zana 12 Ltd	88 Grassmarket
7.	new premises	Mr Ugar Yavus	54-56 West Port

3. Section 83 Notification – Neil Young

The Depute Clerk advised it had recently been confirmed Mr Young had moved address. The Board agreed to continue consideration of the matter, to allow his attendance.

Decision: continued

4. Personal Licence Renewals and Refresher Training

The Depute Clerk advised that the first of the personal licences issued under the 2005 Act were coming up for their ten year renewal date, for those who wanted to continue to hold a licence. He referred to the existing requirements placed upon personal licence holders to carry out refresher training every five years, providing evidence to the Board of having done so. Applicants seeking renewal of licence would have to demonstrate to the Board they had obtained the appropriate training qualification.

The Board was advised Scottish Government had recently issued guidance on licence renewals and accredited training details, all of which was available on the Scottish Government website. Guidance from Scottish Government suggested it would be beneficial for licence holders to carry out the necessary processes to ensure their licence renewal and refresher training notification were dealt with at the same time.

Decision: (1) Scottish Government guidance noted and approved, to be published on Board's website (link to guidance - [Licensing \(Scotland\) Act 2005 : communications for personal licence holders](#)); (2) personal licence holders would be encouraged to undertake their refresher training in sufficient time to enable the

submission of their renewal application and refresher training requirement to be dealt with together

5. Update report – Statement of Licensing Policy

The Depute Clerk referred to the terms of the report prepared for the Board, setting out details of the statutory requirements placed upon the Board to publish a new Statement of Licensing Policy. She narrated the steps which had been taken by the Board, in the period since the consultation process began in October 2017, including an initial consultation, hearings on the responses to that consultation, a workshop on overprovision and the preparation of a draft updated policy with relevant questions, for consideration as part of a formal consultation process.

That process having concluded on 5th October 2018, she advised of the details of responses to the formal consultation, which the Board had before them in full and in summary.

The Depute Clerk referred to each of the five questions posed by the Board in its consultation, providing details of the consultee responses in each case. Board members discussed each topic in turn before reaching agreement on the following:-

Question 1 – Children and young persons’ access to licensed premises – the Depute Clerk advised that of the mixed responses received, there was generally a view in favour of a terminal hour for children and young persons’ access, but with individual applications continuing to be considered on a case by case basis.

The Board agreed indicative maximum times of 2300 for children’s access and 0100 for young persons’ access should be stated in the policy, with applications to be considered case by case.

Question 2 – Extended use of occasional licences – the Depute Clerk advised consultees were generally in favour of applications being given more scrutiny by the Board. Some considered limiting occasionals by number of days, and others by number of applications. She explained consultees generally favoured more clarity in the policy to distinguish use of occasionals during festive and festival periods, from pop-up bars at other times of the year. A number of consultees had commented on the use of occasional licences following grant of provisional premises licences, suggesting the Board’s policy should limit this practice.

The Board agreed that an indicative limit of 2 months or 4 consecutive applications for occasional licences would provide an appropriate trigger beyond which applications for occasionals licences for continuous periods would be referred to the Board for consideration.

Question 3 – Extended hours for events in licensed premises – the Depute Clerk advised that there was general support for the Board’s policy setting out a list of events which the Board would consider to be of local or

national significance for the purposes of considering applications. Some had commented on the option for premises to apply for extended hours for special events to be catered for on the premises. She advised some comments had been made about the need for two hour extensions and whether one hour may be more appropriate.

The Board agreed an indicative list would be beneficial, provided it was not too prescriptive. The Board discussed the potential impact of extended hours in more residential areas. It was agreed that applicants should be asked to provide sufficient information to support their application for extended hours, and that the policy should encourage this. The Board discussed the duration of extensions and agreed that one hour, rather than two hour, extensions might be more appropriate in certain circumstances.

Question 4 – Amplified music in licensed premises – The Depute Clerk advised of a division of opinion among consultees, with the general view from community representatives that the effectiveness of this part of the policy should be reviewed, while trade representatives were of the view it should remain unchanged.

The Board agreed that the amplified music and vocals policy would remain unchanged at present, but that the Board would carry out a review, to be considered in more detail at a later date.

Question 5 – Licensed hours – the Depute Clerk advised that the general view was that the current policy was effective, and that applications should continue to be considered on a case by case basis against that background. Some consultees were of the view that there should be a review of licensed hours, with a range of views on what the Board should consider.

The Board discussed the terms of the current licensed hours policy in some detail, including consideration of terminal and commencement hours, as well as the duration of licensed hours and the terms of Scottish Government guidance in that regard. The Board agreed the current policy would remain unchanged, but that it would be made clear that the hours stated in the policy were an indicative maximum, and that applicants would be required to justify the basis upon which operating hours were sought.

Use of toughened glass – the Depute Clerk advised Police Scotland had suggested review of the policy to encourage the use of toughened glass in late night premises and certain other circumstances. The Board agreed this would be appropriate.

It was agreed at this point that the remainder of the report would be continued for consideration by the Board, together with an updated draft policy statement taking account of what had been agreed, all to be considered at a date to be agreed.

6. Update report – Assessment of Overprovision

The Board agreed to continue consideration of the terms of the report, to a date to be agreed.

Decision: continued

Councillor Norman Work
Convener of the Licensing Board

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