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LICENSING BOARD

NOTICE OF MEETING

MONDAY 25th FEBRUARY 2019

START TIME 9.30am

Dean of Guild Room, City Chambers, Edinburgh

AGENDA

1. Minutes of Meeting of 28th January 2019
2. Request to extend provisional period – 34 Hamilton Place, Edinburgh
3. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list
4. Section 82 Notification – Pankaj Rawat
5. Section 82 Notification – Michelle McDonagh
6. Section 82 Notification – Gordon White
7. Section 82 Notification – Hannah Stirling
8. Section 82 Notification – Maurizio Rodriguez
9. Review of premises licence – London Road Express, 23 London Road, Edinburgh
10. Review of premises licences – Unpaid Annual Fees 2018/19

Nick Smith
Clerk of the Licensing Board

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LICENSING BOARD

Licensing Board membership:

Councillor Steve Burgess	Councillor Gillian Gloyer
Councillor Lezley Marion Cameron	Councillor David Key
Councillor Nick Cook	Councillor Callum Laidlaw
Councillor Cammy Day	Councillor Joanna Mowat
Councillor Catherine 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/licencing_board

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LICENSING BOARD

MINUTES OF MEETING

MONDAY 28th JANUARY 2019

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

**Apologies: Councillors Lezley Marion Cameron; Cammy Day
NHS Lothian – Elizabeth Oldcorn**

Police: Sergeant John Young

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

Depute Clerk: Nick Fraser

Preliminary Matters

The Board agreed that it would consider a late item for inclusion in the Agenda, being item 8 as listed in the minutes below

Personal Licence Renewals

The Convener opened the meeting by drawing attention to the requirement for holders of Personal Licences issued by the Licensing Board to ensure that they met the deadlines set down by regulations. He referred to efforts which had been made to publicise this issue. He noted that there was a significant number of licence holders whose licences had been issued in September 2009, for whom there would be a May 2019 deadline for renewal procedures to be completed.

He encouraged agents and licence holders to ensure that they submitted their renewal paperwork in sufficient time.

1. Minutes of Meeting of (a) 26th November 2018; (b) 17th January 2019

The minutes of the meeting of (a) 26th November 2018 were agreed, subject to amendment to confirm Councillor Callum Laidlaw's attendance at that meeting.

The minutes of the meeting of (b) 17th January 2019 were agreed.

2. Licensing Board Meeting dates – 2019/20

The Depute Clerk referred to the draft schedule of meetings dates drawn up by the Council for meetings covering the latter half of 2019 and the first half of 2020. Board members noted and agreed the dates proposed for Licensing Board meetings.

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

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Arrangements for additional policy-specific meetings, and the Board's joint meeting with the Licensing Forum, would be agreed for inclusion in the diary at a later date.

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

The Board considered ten applications for variation of premises licences, seven applications for provisional premises licences and five applications for personal licences, the decisions for which are as detailed in the list appended to these minutes.

Declarations of interest: None

Divisions:

Variations

7. 30 North West Circus Place

Councillor Fullerton, seconded by Councillor Key, moved grant of the application. Councillor Laidlaw, seconded by Councillor Mowat, moved as an amendment that the application be granted with an earlier terminal hour of 2300. Following a division, the motion to grant was carried with the Convener's casting vote.

9. 7 Arboretum Place

Councillor Work, seconded by Councillor Fullerton, moved grant of the application. Councillor Mowat, seconded by Councillor Laidlaw, moved as an amendment that the application be granted, with the removal of seasonal variations. Following a division, the motion to grant was carried with the Convener's casting vote.

New Provisionals

5. 8 Morningside Road

Councillor Fullerton moved grant of the application as sought, but there was no seconder. She asked that her dissent be noted.

NHS Lothian representations:

New Provisionals

1. 119 Nicolson Street

4. Requests for Extension of Provisional Period

(a) 4-5 Comely Bank Road/Raeburn Place, Edinburgh

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

- (b) 6-8 Comely Bank Road/Raeburn Place, Edinburgh
- (c) 9 Comely Bank Road/Raeburn Place, Edinburgh
- (d) 112A Raeburn Place, Edinburgh

The Depute Clerk referred to four separate requests for extension of the provisional period for licences held by the same licence holder, forming part of a development at Comely Bank/Raeburn Place.

Caroline Loudon, agent for the licence holder, presented the Board with details about the reasons for the extension requests being made. The Board was satisfied that the circumstances described merited extension of the provisional periods and agreed the following:-

- (a) 4-5 Comely Bank Road/Raeburn Place, Edinburgh – 1 year extension
- (b) 6-8 Comely Bank Road/Raeburn Place, Edinburgh – 1 year extension
- (c) 9 Comely Bank Road/Raeburn Place, Edinburgh – 1 year extension
- (d) 112A Raeburn Place, Edinburgh – 2 years extension

5. Section 43 Notification – Tesco Stores Limited

The Depute Clerk advised the Board of details of a notification provided on behalf of Tesco Stores Ltd in terms of section 43 of the Act.

After discussion of the details provided, the Board agreed it would note the position and take no further action.

6. Section 82 Notification – Pankaj Rawat

The Depute Clerk advised the Board of details of a notification in terms of section 82 of the Act for Pankaj Rawat. Mr Rawat was not present and the Board agreed to continue the matter for his attendance at a future meeting.

7. Licensing Board Policy – Occasional Licence Applications

The Depute Clerk presented a report to the Board highlighting the terms of the new policy on Occasional Licences and providing details of premises which were currently being licensed by means of their longer term use.

The Board discussed the implications of premises being licensed longer term by Occasional Licences. Noting the number of premises being licensed in this way, the Board agreed that a separate meeting should be convened, with the relevant licence holders invited to attend in order that the Board could establish whether continued licensing by means of occasional licences was appropriate, having regard to the terms of its policy.

8. Premises Licence Reviews – Non-payment of Annual Fees 2018/19

The Depute Clerk referred the Board to a report setting out details of premises licences where the annual fees for 2018/19 remained unpaid, having become due for payment in October 2018.

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The Board noted the details of the premises provided and the efforts made so far to encourage payment of the fees. The Board agreed it was necessary to proceed with review hearings for the various premises, and these would be scheduled over the next two Board meetings.

Councillor Norman Work
Convener of the Licensing Board

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LICENSING BOARD

DECISION LIST – 28th JANUARY 2019

APPLICATIONS FOR VARIATION OF PREMISES LICENCES

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	400308	Summerhall Management Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1 Summerhall, Edinburgh, EH9 1PL	No	No	Yes	Increase on sale hours to 3am on Friday & Saturday and delete the current condition on amplified music and vocals, and replace it with the new condition agreed by the Licensing Board at its meeting on 26th September 2016, as an amendment to its Policy	Application WITHDRAWN

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2.	397699	City District Ltd	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	100 George Street, Edinburgh, EH2 3DF	No	No	Yes	To amend children's access to the premises to the following: "Children must be accompanied by an adult at all times and will be allowed entry until 23:00; Young Persons will be allowed access unaccompanied until 00:00.	GRANTED
3.	397664	Premier Inn Hotels Limited	Mr. John Gaunt & Partners Omega Court, 372 Cemetery Road, Sheffield, S11 8FT	121 Princes Street, Edinburgh, EH2 4AD	No	No	Yes	Increase capacity, approve internal reconfiguration, amend premises address to read 121-123 Princes Street and amend description of premises.	CONTINUED

DECISION LIST – 28th JANUARY 2019

4.	400609	Ms Ascenza Crolla	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	126-130 Easter Road, Edinburgh, EH7 5RJ	No	No	Yes	To add club or other group meetings, live performances as activities, add seasonal variations, increase on and off sale hours and change premises manager.	Applicant withdrew seasonal variations part of application Amended application GRANTED Music condition – “no audible nuisance”
5.	398826	Rose Theatre Company Ltd	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	204 Rose Street, Edinburgh, EH2 4AZ	Yes	No	No	Increase on sale hours	GRANTED

DECISION LIST – 28th JANUARY 2019

6.	400381	Marekiaro Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	25 Pier Place, Edinburgh, EH6 4LP	Yes	No	No	To increase on sale hours, add off sales, add takeaways and deliveries as activities, delete reference to “Challenge 21” in the children and young persons provision, 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 change premises manager.	Operating plan amended to confirm terminal hour for takeaways 0000 Sunday to Thursday, 0100 Friday to Saturday GRANTED
7.	399705	Merienda Limited	Thorntons 3f - 4f, 65 Haymarket Terrace, Edinburgh, EH12 5HD	30 North West Circus Place, Edinburgh, EH3 6TP	No	No	Yes	Increase on sale hours	GRANTED On a division

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

DECISION LIST – 28th JANUARY 2019

8.	400380	Longstone Hearts Sports & Social Club	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	58 Longstone Road, Edinburgh, EH14 2BA	No	No	Yes	To delete conditions 2,3 and 4 on the premises licence, also 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, clarify seasonal variations will apply without an application being required, add bar meals as an activity, allow certain activities outwith core hours, amend details to children and young persons access and add new premises manager	GRANTED
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All statutory references to Licensing (Scotland) Act 2005, unless stated otherwise

DECISION LIST – 28th JANUARY 2019

9.	396523	Ferranti Edinburgh Recreation Club	Mrs Elizabeth Bowie 145 Telford Road, Edinburgh, EH4 2PX	7 Arboretum Place, Edinburgh, EH3 5NY	No	No	Yes	To delete licence conditions 2, 3 & 4, to amend terminal hour on a Monday to 23:00, to add a premises manager and to add seasonal variations.	GRANTED No outdoor drinking after 2200 On a division
10.	399775	Marks and Spencer plc	John Gaunt & Partners Units 39-41, Haslar Marine Technology Park, Haslar Road, Gosport, Hampshire, PO12 2AG	Unit 21, Gyle Centre, Gyle Avenue, Edinburgh, EH12 9JR	No	No	Yes	To amend the layout of the store to feature new cafe facilities and increase the capacity of the licensed cafe.	GRANTED

DECISION LIST – 28th JANUARY 2019

APPLICATIONS FOR PROVISIONAL PREMISES LICENCES

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	400606	Mr Vahap Firat	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	119 Nicolson Street, Edinburgh, EH8 9ER	No	No	Yes	Cafe premises located on ground floor and basement on Nicolson Street, Edinburgh.	Application amended to remove off-sales GRANTED Amplified music condition – “no audible nuisance”
2.	400541	Cinnamon Sushi Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	31 Crichton Place, Edinburgh, EH7 4NY	No	Yes	No	Takeaway with small seating facility, located on ground floor of building on Crichton Place, Edinburgh	GRANTED Amplified music condition – “no audible nuisance”
3.	400607	Ramen Ramen Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	37 Leith Street, Edinburgh, EH1 3AT	No	No	Yes	Cafe/ Restaurant on ground floor of tenement property on Leith Street, Edinburgh.	Application amended to withdraw deliveries as an activity, and off-sales commencement of 1130 Mondays - Sundays GRANTED Amplified music condition – “no audible nuisance”

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4.	399778	Ability Hotels (Edinburgh) Limited	Eversheds Sutherland LLP 70 Great Bridgewater Street, Manchester, M1 6ES	5 Almond Avenue, Edinburgh, EH12 9GN	No	No	Yes	The premises will operate as a 24 hour Airport Hotel over 6 floors providing 240 bedrooms, and ground floor lounge with bar, fitness room and business/ meeting facilities	Amended to confirm non-resident children permitted until 2300, non-resident young persons until 0100 GRANTED Amplified music condition – “no audible nuisance”
5.	399760	Signature Pubs Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	8 Morningside Road, Edinburgh, EH10 4DD	No	No	Yes	Premises are a Restaurant, bar over basement, ground and first floor in Morningside Road, Edinburgh	GRANTED, on basis of:- <ul style="list-style-type: none"> • On-sales hours 1100 – 0000 • Off-sales hours 1100 – 2200 • amplified music condition – “no audible nuisance”
6.	398162	Rosebery Estates Partnership	TLT LLP 140 West George Street, Glasgow, G2 2HG	Barnbogle Castle, Dalmeny Estate, Dalmeny, Edinburgh, EH30 9TQ	No	No	Yes	Converted private castle for special events.	Amended to confirm no children and young persons’ access beyond 0100 GRANTED Amplified music condition – “no audible nuisance”
7.	400865	Great British Vermouth Ltd	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	The Leuchold, Dalmeny Estate, Dalmeny, Edinburgh, EH30 9TQ	No	Yes	No	Out building for storage and dispatch of alcohol only. No public access.	GRANTED Amplified music condition – “no audible nuisance”

DECISION LIST – 28th JANUARY 2019

APPLICATIONS FOR PERSONAL LICENCES

No	Reference	Applicant	Agent Details	Comments	Decision
1.	394700	Jonathan Paul Brown	MacDonald Licensing Bf 21 Rutland Square, Edinburgh	CC	CONTINUED
2.	397164	Mark James Ruickbie		CC	CONTINUED
3.	399123	Matthew Luke Mackay		CC	CONTINUED for applicant to bring supporting documentation from employer
4.	394309	Myles David Robertson		CC	CONTINUED
5.	401535	Kurt James Priestly		CC	CONTINUED

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

APPLICATIONS TO BE CONSIDERED – 25 FEBRUARY 2019

APPLICATION FOR VARIATION OF PREMISES LICENCE – CONTINUED FROM 28 JANUARY 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	397664	Premier Inn Hotels Limited	Mr. John Gaunt & Partners Omega Court, 372 Cemetery Road, Sheffield, S11 8FT	121 Princes Street, Edinburgh, EH2 4AD	No	No	Yes	Increase capacity, approve internal reconfiguration, amend premises address to read 121-123 Princes Street and amend description of premises. CC BSR	

APPLICATIONS TO BE CONSIDERED – 25 FEBRUARY 2019

APPLICATIONS FOR VARIATION OF PREMISES LICENCES

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	401272	Marco's Leisure Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	Corn Exchange 11 New Market Road, Edinburgh, EH14 1RJ	No	No	Yes	Increase on and off sale hours, allow certain activities outwith core hours, add DJ Events, Community Events, Festivals, Children's Events/Shows/Experiences, Wedding and Private Hire as activities, amend details to children and young persons access to premises and submit new layout plan.	

APPLICATIONS TO BE CONSIDERED – 25 FEBRUARY 2019

2.	401279	Marco's Leisure Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	Corn Exchange Village 11 New Market Road, Edinburgh, EH14 1RJ	Yes	No	No	Increase on and off sale hours, add snooker, sporting events, private functions, bowling, children's parties and events, Nintendo, Wii/XBox/Console games competitions/tournaments, and gaming as activities, amend details to children and young persons access to premises and submit new layout plan.	
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APPLICATIONS TO BE CONSIDERED – 25 FEBRUARY 2019

3.	402150	Mr Khima Nanda Gautam	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	13-14 Dalziel Place, Edinburgh, EH7 5TP	Yes	No	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, to increase on sale hours, to add off sale hours, to provide that Activities might take place outwith licensed hours, to add deliveries, outdoor drinking and takeaways as activities, to amend children and young persons access to the premises and to also amend the layout plan to show Outdoor Drinking.	
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APPLICATIONS TO BE CONSIDERED – 25 FEBRUARY 2019

4.	401199	Makro Self Service Wholesalers Limited	DWF LLP 5 St Paul's Square, Old Hall Street, Liverpool, L3 9AE	50 Bankhead Avenue, Edinburgh, EH11 4EA	No	Yes	No	Increase capacity and allow certain activities outwith core hours and add deliveries as an activity.	
5.	402128	Daniel Stewart's And Melville College Club	Daniel Stewart's And Melville College Club 523 Ferry Road, Edinburgh, EH5 2DW	523 Ferry Road, Edinburgh, EH5 2DW	No	No	Yes	Amend details to children and young persons access to premises.	

APPLICATIONS TO BE CONSIDERED – 25 FEBRUARY 2019

6.	401202	Marco's Leisure Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	79 Grove Street, Edinburgh, EH3 8FG	Yes	No	No	To amend children and young person's access to the premises, to amend off and on sale hours, to add seasonal variations, to add activities to the premises (deliveries, bar meals, receptions, group meetings, live performances, films, gaming and outdoor drinking), to remove reference to "pool hall", to amend statement regarding other activities and to also change the layout plan showing new children and young person's access.	
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APPLICATIONS TO BE CONSIDERED – 25 FEBRUARY 2019

APPLICATIONS FOR PROVISIONAL PREMISES LICENCE

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	402154	Mr Thunraj Valentino Singh	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	101 Canongate, Edinburgh, EH8 8BP	No	Yes	No	Purpose built shop unit on ground floor of building on Canongate, Edinburgh	
2.	402151	Mr Maurizio Pacitti	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	12 Edinburgh Road, Edinburgh, EH30 9HR	No	Yes	No	Takeaway located on ground floor of building on Edinburgh Road, South Queensferry	
3.	402153	Mr Yousef Nassif	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	20 Marshall Street, Edinburgh, EH8 9BU	No	No	Yes	Restaurant located on ground floor and lower ground floor of building on Marshall Street at the corner of Nicolson Street.	

APPLICATIONS TO BE CONSIDERED – 25 FEBRUARY 2019

PERSONAL LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Comments	Decision
1.	394700	Jonathan Paul Brown	MacDonald Licensing Bf 21 Rutland Square Edinburgh EH1 2BB	CC (Continued from January)	
2.	397164	Mark James Ruickbie		CC (Continued from January)	
3.	399123	Matthew Luke Mackay		CC (Continued from January)	
4.	394309	Myles David Robertson		CC (Continued from January)	
5.	401535	Kurt James Priestly		CC (Continued from January)	

APPLICATIONS TO BE CONSIDERED – 25 FEBRUARY 2019

OCCASIONAL LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	402590 (1/2/19 – 3/2/19)	Simon Paul Keane	Macdonald Licensing BF, 21 Rutland Square, Edinburgh, EH1 2BB	37 Corstorphine Road	Yes	No	No		CC LSO Planning	
2.	402588 (8/2/19 – 10/2/19)	Simon Paul Keane	Macdonald Licensing BF, 21 Rutland Square, Edinburgh, EH1 2BB	37 Corstorphine Road	Yes	No	No		CC LSO Planning	
3.	402589 (15/2/19 – 17/2/19)	Simon Paul Keane	Macdonald Licensing BF, 21 Rutland Square, Edinburgh, EH1 2BB	37 Corstorphine Road	Yes	No	No		CC LSO Planning	
4.	402780 (1/3/19 – 3/3/19)	Simon Paul Keane	Macdonald Licensing BF, 21 Rutland Square, Edinburgh, EH1 2BB	37 Corstorphine Road	Yes	No	No		CC LSO Planning	
5.	402781 (8/3/19 – 10/3/19)	Simon Paul Keane	Macdonald Licensing BF, 21 Rutland Square, Edinburgh, EH1 2BB	37 Corstorphine Road	Yes	No	No		CC LSO Planning	