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LICENSING BOARD

MINUTES OF MEETING

MONDAY 25th FEBRUARY 2019

Members present: Councillors Norman Work (Convener); Catherine Fullerton; Joanna Mowat; Gillian Gloyer; Steve Burgess; Lezley Marion Cameron (from start Item 3 until end Item 4); Cammy Day (from Item 3 provisional licence applications until end Item 4).

Apologies: Councillors Nick Cook; David Key; Callum Laidlaw

Police: Sergeant John Young

NHS Lothian: Elizabeth Oldcorn

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

Depute Clerk: Morag Leck

Preliminary Matters

None

1. Minutes of Meeting of 28th January 2019

The minutes of the meeting of 28th January 2019 were agreed.

2. Request to extend provisional period – 34 Hamilton Place, Edinburgh

The Depute Clerk advised of a request for extension of the provisional premises licence for 34 Hamilton Place, which was otherwise due to expire on 27th April 2019. The Board heard from Alistair Macdonald on behalf of the licence holder.

The Board noted that the licence holder was also part of the development at Raeburn Place and that the licence holder had not commenced any works at the premises due to the Raeburn Place development not having been finalised at an earlier date. The licence holder was now considering new plans for the premises at Hamilton Place before applying for a building warrant and commencing works. The Board members were of the view that it would be beneficial to hear from the licence holder so that information about the plans for the premises could be provided for consideration. The Board also noted that it would be beneficial to have clarification on the legal position suggested by Mr Macdonald that it may be additional requests for extension could be made if the licence holder required further time to develop the premises beyond any period of extension granted .

Decision: continued for one month, in order for licence holder to appear and provide the Board with details about the future plans for the operation of the premises. The Depute Clerk to provide clarification of the legal position in relation to multiple applications for extension of a provisional premises licence.

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

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

Declarations of interest: None

Divisions: None

NHS Lothian representations:

Variations

1. 50 Bankhead Avenue
2. 79 Grove Street

Provisionals

1. 101 Canongate

4. 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. The Board heard from the Chief Constable's representative who provided a report detailing the relevant offence of which the licence holder had been convicted. Mr Rawat was present and made a lengthy submission regarding his position. Following consideration, the Board was of the unanimous decision that the licence should be endorsed for the purposes of the licensing objective of preventing crime and disorder.

Decision: Licence endorsed

5. Section 82 Notification – Michelle McDonagh

The Depute Clerk advised the Board of details of a notification in terms of section 82 of the Act for Michelle McDonagh. The licence holder was not present and the Board determined to continue the matter until its next meeting to allow the licence holder to attend.

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

Decision: Continued

6. Section 82 Notification – Gordon White

The Depute Clerk advised the Board of details of a notification in terms of section 82 of the Act for Gordon White. The Board heard from the Chief Constable's representative who provided a report detailing the relevant offence of which the licence holder had been convicted. Mr White was present and tabled a letter setting out his response and made a short submission. Following consideration, the Board was of the unanimous decision that the licence should be endorsed for the purposes of the licensing objective of preventing crime and disorder.

Decision: Licence endorsed

7. Section 82 Notification – Hannah Stirling

The Depute Clerk advised the Board of details of a notification in terms of section 82 of the Act for Hannah Stirling. The Board heard from the Chief Constable's representative who provided a report detailing the relevant offence of which the licence holder had been convicted. The licence holder was present and made a short submission explaining the circumstances. After consideration, the Board was of the unanimous decision that the licence should be endorsed for the purposes of the licensing objective of preventing crime and disorder.

Decision: Licence endorsed

8. Section 82 Notification – Maurizio Rodriguez

The Depute Clerk advised the Board of details of a notification in terms of section 82 of the Act for Maurizio Rodriguez. The licence holder was not present and the Board determined to continue the matter until its next meeting to allow the licence holder to attend.

Decision: Continued

9. Review of Premises Licence – 23 London Road

The Depute Clerk advised the Board of the requirement to hold a hearing on a premises licence review for 23 London Road. The Chief Constable's representative spoke to the police report which set out the reasons for the application for review. The Board also heard a report from the LSO Team Leader and then submissions from Mr Macdonald on behalf of the licence holder. He submitted that the licence holder no longer had any influence or control of the

business which was run by her husband. He submitted that the licence holder was seeking to sell the business and that a period of suspension would allow the licence holder to do this while addressing police concerns about the sale of alcohol.

After discussion of the details provided, Councillor Fullerton seconded by Councillor Mowat proposed revocation of the licence on the grounds relevant to the licensing objectives as narrated in the police letter. Councillor Burgess seconded by Councillor Gloyer proposed suspension of the licence for a period of five years. By majority decision the Board agreed to revoke the licence for the purposes of the licensing objectives of preventing crime and disorder, securing public safety, preventing public nuisance, protecting and improving public health and protecting children and young persons from harm.

Decision: Licence revoked

10. 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, and to the Board's decision to proceed with review hearings for the various premises.

The Board carried out hearings in respect of fifteen premises. The Board took no action in respect of six premises which had now paid the annual fees, noted that one licence had been surrendered, suspended three licences, and revoked five licences.

11. Occasional Licences

The Depute Clerk referred to the minutes of the previous meeting and advised that work was ongoing in relation to the procedure to be adopted in relation to arranging for applicants for occasional licences affected by the Board's revised Statement of Licensing Policy to be invited to attend a future meeting of the Board.

Councillor Norman Work
Convener of the Licensing Board

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CONTINUED APPLICATIONS FOR VARIATION OF PREMISES LICENCES

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	CONTINUED TO JUNE MEETING

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LICENSING BOARD

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. CC LSO	CONTINUED FOR A SITE VISIT

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LICENSING BOARD

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. CC LSO	CONTINUED FOR A SITE VISIT
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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. CC LSO	GRANTED AS SOUGHT - New music condition - Outdoor drinking 10pm
<p>All statutory references to Licensing (Scotland) Act 2005, unless stated otherwise</p>									

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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. CC LSO BSR NHS	GRANTED AS SOUGHT
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. CC LSO	CONTINUED FOR A SITE VISIT

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LICENSING BOARD

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. CC LSO BSR NHS	CONTINUED FOR A SITE VISIT
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All statutory references to Licensing (Scotland) Act 2005, unless stated otherwise

APPLICATIONS FOR PROVISIONAL PREMISES LICENCES

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 CC x2 LSO BSR NHS	CONTINUED FOR A SITE VISIT
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 CC LSO BSR O x5	GRANTED AS SOUGHT <ul style="list-style-type: none"> - New music condition - Capacity 4 In m - Sale of alcohol only with food - Operating plan to be amended to reflect delivery restriction of 00.00 and all orders submitted by 22.00

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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. CC x2 LSO BSR O x3	GRANTED AS SOUGHT - New music condition - Capacity 54 - Application amended to confirm that deliveries will not include alcohol.
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APPLICATIONS FOR PERSONAL LICENCES

No	Reference	Applicant	Agent Details	Comments	Decision
1.	394700	Jonathan Paul Brown		CC	REFUSED
2.	397164	Mark James Ruickbie		CC	GRANTED
3.	399123	Matthew Luke Mackay		CC	REFUSED
4.	394309	Myles David Robertson		CC	REFUSED
5.	401535	Kurt James Priestly		CC	GRANTED

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LICENSING BOARD

APPLICATIONS FOR OCCASIONAL LICENCES

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	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	WITHDRAWN
8.	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	WITHDRAWN
9.	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	WITHDRAWN
10.	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	GRANTED

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11.	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	CONTINUED (for determination under delegated powers)
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