

**MINUTES OF MEETING**

**MONDAY 25<sup>th</sup> MARCH 2019**

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

**Apologies: Councillors Cammy Day; Lezley-Marion Cameron**

**Police: Sergeant John Young**

**NHS Lothian: Elizabeth Oldcorn**

**Council Officers: Tom Veitch (Licensing Standards Officers Team Leader); Colin McCulloch (Building Standards); Nick Fraser (Depute Clerk)**

**Preliminary Matters**

None

**1. Minutes of Meeting of (a) 25<sup>th</sup> February 2019 (b) 11<sup>th</sup> March 2019**

The Minutes of the meetings of 25<sup>th</sup> February and 11<sup>th</sup> March 2019 were approved.

**2. Festivals 2019 – Seasonal Variation of licensed hours**

The Depute Clerk referred to a report, setting out the terms of the Board's policy on extended hours during the Edinburgh International Festival and Fringe Festival, 2019.

The Board agreed the extended hours policy would apply between 2<sup>nd</sup> to 26<sup>th</sup> August 2019, inclusive. A two hour extension to licensed hours would apply to all premises where this was provided for in their operating plans. Licences which did not contain the relevant seasonal variation in their operating plan would be able to make applications for extended hours.

**3. (a) Request to extend provisional period (continued) – 34 Hamilton Place**

The agent for the licence holder advised the Board that the request to extend the provisional period was withdrawn. The Board noted that no further action was required.

**(b) Request to extend provisional period – 234-246 Easter Road**

The Depute Clerk referred to an application for extension of provisional period, for the Lidl premises at 234-246 Easter Road. Andrew Hunter was present on behalf of Lidl and explained the reasons for the extension. The Board noted that the licence had already been extended by six months. The agent advised there were

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still outstanding issues preventing a section 50 certificate being obtained from the Council's Building Standards section, which meant the provisional licence could not be confirmed. The Board heard from the Council's Building Standards officer in that regard.

The Board noted that the premises were operating in the meantime on the basis of occasional licences. The Board agreed to an extension of the provisional period to 29<sup>th</sup> April 2019 being the date of its next meeting, noting that the agent hoped to be able to provide an update to the Board on that date.

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

The Board considered thirteen applications for variation of premises licences, five 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:**

Continued Variations

4. 79 Grove Street Marco's Leisure

Councillor Burgess, seconded by Councillor Key, moved that the application be granted, on the terms agreed by the applicant, but with a condition that offsales would only be provided with food. Councillor Work, seconded by Councillor Gloyer, moved that the application be granted on the terms as agreed by the applicant. Following a division the application was granted on the terms as agreed by the applicant.

Variations

7. 67 Canongate Kilderkin Edinburgh Ltd

Councillor Fullerton, seconded by Councillor Cook, moved grant of the application, noting an assurance provided by the licence holder about limiting earlier opening of the premises. Councillor Burgess, seconded by Councillor Key, moved that the application should be granted but with commencement time for alcohol sales being 1100 seven days a week for on and offsales. Following a division the application was granted.

9. 45 Elm Row Kilderkin Edinburgh Ltd

Councillor Burgess, seconded by Councillor Mowat, moved grant of the application but with the commencement time for alcohol sales being 1100 seven days a week for on and offsales. Councillor Fullerton, seconded by Councillor Work, moved that the application be granted, on the basis that earlier opening would only be used on the days of football matches. Following a division the

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application was granted, on the basis that earlier opening would only be used on the days of football matches.

Continued New Provisional premises licence

1. 101 Canongate Thunraj Singh

Councillor Burgess, seconded by Councillor Mowat, moved that on the basis of overprovision the application should be refused. Councillor Gloyer, seconded by Councillor Fullerton, moved that the application be granted but with a condition requiring that no beers, lagers or ciders with ABV of 6% or above would be permitted for sale. Following a division the application was granted with the condition attached.

NHS Lothian representations:-

### Continued Variations

4. 79 Grove Street Marco's Leisure Ltd

### Variations

7. 67 Canongate Kilderkin Edinburgh Ltd
9. 45 Elm Row Kilderkin Edinburgh Ltd

### Continued Provisionals

1. 101 Canongate Thunraj Singh

### Provisionals

2. 4-8 Lochrin Buildings TRI Scotland Ltd
3. 61 Queen Street Prioritea Ltd
4. 78 Queen Street Sweet by Scotts Ltd

### **5. Section 82 Review of personal licence – Michelle McDonagh**

The Board noted that Ms McDonagh was not present and agreed to continue the review hearing one final time to allow her the opportunity to attend.

### **6. Section 82 Review of personal licence – Maurizio Rodriguez**

The Depute Clerk advised of the basis upon which the review hearing was proceeding. The Board heard from Sergeant Young on the terms of the police report and then from Mr Rodriguez.

After due consideration the Board agreed that it was necessary for the purposes of the licensing objectives to endorse Mr Rodriguez's licence.

## **7. Review of premises licence – Oceana Bar, 145 Ferry Road, Edinburgh**

The Depute Clerk advised of the basis upon which the review hearing was proceeding. The Board heard from Tom Veitch who confirmed the details of the application for review, made by the Council's LSOs. Alistair Macdonald was present on behalf of the licence holder Caledonian Heritable Limited and was accompanied by the tenant of the premises.

The Board noted that efforts were being made to try and address the problems identified by the review application, including the fitting of a volume limiter to the jukebox in the premises. The Board agreed that in order to allow these efforts to continue, no action would be taken with the premises licence at this stage.

In the event that matters could not be resolved, the LSOs would report the matter back to the Board for further consideration.

## **8. Review of premises licence – Fountain News, 157 Dundee Street, Edinburgh**

The Depute Clerk advised the Board of the basis on which the review hearing was proceeding. The Board heard from Alistair Macdonald on behalf of the licence holder, who advised that he had only recently been instructed by the licence holder. He asked the Board to consider continuing the review hearing to a later date.

The Board considered the continuation request in detail, and decided to schedule an additional meeting in order that the review hearing could proceed, to take place on 2<sup>nd</sup> April 2019.

## **9. Section 84A Review of personal licence – Christopher Stewart**

The Depute Clerk advised of the basis upon which the review hearing was proceeding. The Board heard from Sergeant Young on the terms of the police application for review of Mr Stewart's personal licence. The Board then heard from Alistair Macdonald on Mr Stewart's behalf.

Following detailed consideration of the representations made, the Board agreed that it was necessary for the purposes of the licensing objectives to endorse Mr Stewart's licence.

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### 10. Review of premises licences – Unpaid Annual Fees 2018/19

The Depute Clerk advised the Board of a number of premises where annual fees for 2018/19 remained outstanding, where the Board had previously agreed to hold review hearings for each. The Board was provided with LSO reports for each of the premises and dealt with them as follows:-

<b>SUSPENDED FOR FOUR WEEKS</b>		
327838	Saeed Akhtar	14 Hermitage Place
<b>REVOKED</b>		
268688	Flavourly Ltd	10-12 North Leith Sands
09/05980	RAF (Edinburgh) Club	11 Hillside Crescent
08/04091	Abha Rodrigues	121 Constitution Street
08/20058	Mahmood Rana	128 Newhaven Road
275876	Royal Ettrick Hotel LLP	13 Ettrick Road
09/23029	Partnership of Abdul Jabbar & Subhia Jabbar	171-173 Great Junction Street
08/17018	Amir Butt	190 Easter Road
08/15653	James Boggon	231 Willowbrae Road
10/15560	Trinity Academics RFC	30 Craighall Gardens
253826	Ramzan Ali	472 Gorgie Road
08/17167	Nisar Ali	51 Restalrig Road
10/12731	Kashif Ali	52-56 Albion Road
08/09621	Callum Morrison	6 Commercial Street
344245	Farah Fernandes	62-64 Duddingston Road
08/14611	Nocturnal Aviators Ltd	74-76 Newhaven Road
<b>SURRENDERED – NO FURTHER ACTION TAKEN</b>		
08/21635	Frances Casement	10b Milton Road West
252761	Punch Taverns (Inns) Ltd	63 Pennywell Road

Councillor Norman Work  
Convener of the Licensing Board

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LICENSING BOARD

# DECISION LIST – 25 MARCH 2019

## APPLICATIONS FOR VARIATION OF PREMISES LICENCE CONTINUED FROM MEETING OF 25 FEBRUARY 2019

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.	Operating plan amended to confirm 0700 start time for teas and coffees; adding back in the original wording for children and young persons' access to concerts, etc  GRANTED

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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.	GRANTED
3.	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.	GRANTED



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4.	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.	GRANTED  No outdoor drinking after 2200  No deliveries beyond 0000  Deliveries of alcohol only to be with provision of food  Young persons' access restricted to core hours – 0100    On a division
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## APPLICATIONS FOR VARIATION OF PREMISES LICENCE

25 MARCH 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	404033	Hotel Corporation of Edinburgh Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	1 Festival Square, Edinburgh, EH3 9SR	No	No	Yes	Increase on and off sale hours, amend wording to other activities, amend details to children and young persons access to premises.	GRANTED
2.	403915	Heriot's Rugby Club Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	109 Inverleith Row, Edinburgh, EH3 5QL	No	No	Yes	Increase on and off sale hours, add seasonal variations, restaurant facilities as activities, amend details to Q5a referring to activities outwith core hours and increase capacity.	GRANTED  Capacity – 250  Children & young persons' access restricted to core hours
3.	402741	Martin McColl Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	120-122 Portobello High Street, Edinburgh, EH15 1AH	No	Yes	No	Change to layout of premises resulting in an increase in capacity for alcohol display.	GRANTED

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

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4.	402516	Caledonian Heritable Ltd	Caledonian Heritable Ltd 4 Hope Street, Edinburgh, EH2 4DB	2 Lochside Place, Edinburgh, EH12 9DF	Yes	No	No	Increase on & off sale hours, add club or group meetings, indoor/outdoor sports, weddings, product launches, corporate events, fundraising events, dance classes, festival shows, food festivals & comedy as activities, allow certain activities outwith core hours, amend details to children & young persons access to premises, allow more people standing than seated when fully occupied and amend description of premises to Bar & Restaurant with beer garden and deli takeaway.	GRANTED
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5.	404095	Punch Partnerships (PTL) Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	25-27 Causewayside, Edinburgh, EH9 1QF	No	No	Yes	<i>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 and amend seasonal variations, add outdoor drinking, to add of breakfasts, teas, coffees and snacks etc. from 8am seven days a week, to add children and young persons access to the premises, to change the name of premises to "Damm 27" and to also submit a new layout plans showing changes to the layout of the premises.</i>	(Application was amended to remove sections shown in italics, and karaoke removed from operating plan)  GRANTED  Capacity - 90
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6.	403376	Nanyang Restaurant Limited	Morton Fraser 2 Lister Square, Edinburgh, EH3 9GL	3-5 Lister Square, Edinburgh, EH3 9GL	Yes	No	No	Increase on sale hours, add retail sales and theatre as activities, approve internal reconfiguration and extension of licensed area.	WITHDRAWN
7.	403455	Kilderkin Edinburgh Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	Kilderkin, 67 Canongate, Edinburgh, EH8 8BS	No	No	Yes	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 the core on sale hours to 09:00 Monday to Saturday and to 11:00 on a Sunday, To amend off sale hours to 01:00 on a Sunday, to amend commencement of off sale hours to 10:00 Monday - Sunday, to amend activities, to amend children and young persons access to the premises.	GRANTED  No outdoor drinking beyond 2200  Capacity – 80  Activites outwith licensed hours starting 0800  Board noting the earlier opening hours would only be used by licence holder when there were events in the vicinity of the premises  On a division

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8.	404028	Spirit Pub Company (Leased) Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	Telford Arms, 78 Telford Road, Edinburgh, EH4 2NF	No	No	Yes	To amend the commencement of on sales to 11:00 on a Sunday, to amend activities to add conference facilities, to amend children and young persons access to the premises.	GRANTED
9.	403454	Kilderkin Edinburgh Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	Windsor, 45 Elm Row, Edinburgh, EH7 4AH	No	No	Yes	Increase on sale and off sale hours, add seasonal variations, films quiz nights as activities, allow certain activities outwith core hours and 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.	GRANTED  Board noting that earlier opening would only be used by licence holder on days of football matches, particularly for supporters going to away games. Breakfasts would be provided.  On a division

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## PROVISIONAL PREMISES LICENCE APPLICATIONS

### CONTINUED FROM 25 FEBRUARY 2019

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	<p>Agent confirmed delivery service was withdrawn from application</p> <p>GRANTED</p> <p>Condition attached – no lager, beer or cider with ABV of 6% or above sold from premises</p> <p>Music condition – “no audible nuisance”</p> <p>Capacity – 54.7m</p> <p>On a division</p>

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## APPLICATIONS FOR PROVISIONAL PREMISES LICENCE

25 MARCH 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	404096	Mr Deepak Kumar Singh	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	123 Dalry Road, Edinburgh, EH11 2DR	No	Yes	No	Newsagents/convenience store located on ground floor of a tenement on Dalry Road, Edinburgh.	GRANTED Condition attached – no lager, beer or cider with ABV of 6% or above sold from premises Music condition – “no audible nuisance” Capacity – 15.6m
2.	404097	TRI Scotland Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	4-8 Lochrin Buildings, Edinburgh, EH3 9NB	No	No	Yes	Restaurant located on ground floor and basement of corner premises in Lochrin buildings, part of Gilmore Place, Edinburgh.	Agent amended application to remove outdoor drinking GRANTED No deliveries after 0000 Deliveries of alcohol to be with food only Music condition – “no audible nuisance” Capacity - 80



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3.	388161	Priortea Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	61 Queen Street, Edinburgh, EH2 4NA	No	No	Yes	Cafe premises located on the ground floor and lower ground floor of a building on Queen Street, Edinburgh	GRANTED  Music condition – “no audible nuisance”  Capacity – 27
4.	403946	Sweet by Scotts Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	78 Queen Street, Edinburgh, EH2 4NF	No	No	Yes	Mixed retail/café premises located on the ground floor of a building on Queen Street, Edinburgh.	Agent amending application to confirm onsales terminal hour 2200 Sun-Thurs; 2300 Fri-Sat  GRANTED  Music condition – “no audible nuisance”

# DECISION LIST – 25 MARCH 2019

## PERSONAL LICENCE APPLICATIONS

25 MARCH 2019

No	Reference	Applicant	Agent Details	Comments	Decision
1.	399362	Ikechukwuka Modunkwu	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	CC	GRANTED
2.	404284	Christopher Goodrum		CC	GRANTED