

MINUTES OF MEETING

MONDAY 29th APRIL 2019

Members present: Councillors Norman Work (Convener); Cammy Day; Catherine Fullerton; Lezley Marion Cameron; Joanna Mowat; Gillian Gloyer; Nick Cook; Callum Laidlaw

Apologies: Councillors David Key; Steve Burgess

Police: Sergeant John Young

NHS Lothian: Jim Sherval

Council Officers: Tom Veitch (Licensing Standards Officers Team Leader); Keith Clark (Building Standards); Nick Fraser (Depute Clerk)

1. Personal Licence Renewals – Update

The Depute Clerk provided the Board with an update on numbers of personal licence holders whose licences were due to expire later in the year unless applications for renewal were submitted in time. The first significant date was 31st May 2019 for personal licences which were due to expire as at 31st August 2019. The following details were noted:-

Renewal applications received/granted as at 26th April:

- 399 x Personal Licence Renewal applications received.
- 254 x applications granted.

The maximum number of expected renewals for all Personal Licenses expiring this year is as follows:

- Licenses due to expire on 31st August 2019 (renewals received no later than 31st May): 910 (259 received)
- 30 September 2019 (30th June): 249 (58)
- 31 October 2019 (31st July): 443 (56)
- 30 November 2019 (31st August): 134 (20)
- 31 December 2019 (30th September): 20 (6)

Total	1,756	(399)
--------------	--------------	--------------

2. Best Bar None Awards – 2018/19

Tom Veitch advised the Board about the National Best Bar None awards, and the role the scheme played in rewarding the successful operation of licensed premises according to particular criteria. The Board recognised the achievements of those involved in the awards scheme and congratulated the

efforts of the Black Rose Tavern for winning the National Best Bar None award for 2018/19.

3. Minutes of Meeting of (a) 25th March 2019; (b) 2nd April 2019

The minutes of the meetings of 25th March and 2nd April 2019 were noted and approved.

4. Request to extend provisional period – 234-246 Easter Road

The Board heard from Andrew Hunter on behalf of Lidl, the licence holder. He advised that progress continued to be made towards being able to apply for confirmation of the provisional premises licence. He asked the Board to continue the provisional period for a further month to allow work to continue towards a confirmation application being submitted.

The Board agreed to extend the provisional period to 27th May 2019.

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 three applications for transfer and variation of premises licence, fourteen applications for variation of premises licences, one application for premises licence and seven applications for provisional premises licences, the decisions for which are as detailed in the list appended to these minutes.

Declarations of interest: None

Divisions:

New Variations

1. 101 Ocean Drive Atlas Hotels (Edinburgh Waterfront) Ltd

Councillor Work, seconded by Councillor Gloyer, moved that the application be granted, on the terms agreed by the applicant, but with an 1100 commencement for on sales. Councillor Cook, seconded by Councillor Fullerton, moved an amendment that the application be granted on the terms as agreed by the applicant. Following a division, the motion for grant with an 1100 commencement for on sales was carried.

5. 32-36 Shandwick Place Sainsbury's Supermarkets Ltd

Councillor Cook, seconded by Councillor Fullerton, moved grant of the application. Councillor Gloyer, seconded by Councillor Day, moved as an amendment that the application be refused. Following a division the motion for grant was carried.

8. 46 Stanley Place Bellfield Brewery Ltd

◆ EDINBURGH ◆

LICENSING BOARD

Councillor Gloyer, seconded by Councillor Mowat, moved grant of the application but with the terminal hour for alcohol sales being 2200 Sunday – Thursday and 0000 Friday - Saturday. Councillor Fullerton, seconded by Councillor Cook, moved an amendment that the application be granted with a terminal hour of 2300 Monday – Thursday, 0000 Friday - Sunday. Following a division the motion was carried, with the terminal hour for alcohol sales being 2200 Sunday – Thursday and 0000 Friday - Saturday.

New Provisional premises licences

1. 1 Ferrymuir Gait, South Queensferry Shell UK Oil Products Ltd

Councillor Work, seconded by Councillor Laidlaw, moved that the application for premises licence could proceed to grant, on the basis that the premises were not excluded premises, in terms of section 123(5) of the 2005 Act. Councillor Gloyer, seconded by Councillor Mowat, moved an amendment that the premises were excluded premises and could not proceed for a decision on grant. Following a division Councillor Work used his casting vote and the application was granted.

2. 19-21 Glasgow Road Shell UK Oil Products Ltd

Councillor Work, seconded by Councillor Laidlaw, moved that the application for premises licence could proceed to grant, on the basis that the premises were not excluded premises, in terms of section 123(5) of the 2005 Act. Councillor Gloyer, seconded by Councillor Mowat, moved an amendment that the premises were excluded premises and could not proceed for a decision on grant. Following a division the motion was carried and the application was granted.

NHS Lothian representations:-

Variations

1. 101 Ocean Drive Atlas Hotels (Edinburgh Waterfront) Ltd
5. 32-36 Shandwick Place Sainsbury's Supermarkets Ltd
9. 50 Nicolson Street JD Wetherspoon (Scot) Ltd
13. 10 Annfield Cleveden 2016 Ltd
14. Unit 8, 61 Leith Street Stonegate Pub Company Ltd
(representation withdrawn)

Provisionals

1. 1 Ferrymuir Gait Shell UK Oil Products Ltd
2. 19-21 Glasgow Road Shell UK Oil Products Ltd
4. 38 St Andrews Square GH 230817 Ltd
7. 152 Morrison Street QMK Edinburgh Ltd

6. Section 82 Review of personal licence – Michelle McDonagh

The Depute Clerk advised of a requirement to review Michelle McDonagh's personal licence on the basis of a notification of conviction. The Board heard

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

from Alistair Macdonald on his client's behalf. After due consideration the Board agreed to endorse the personal licence.

7. Section 84 Review of personal licence – Narinder Singh

The Board noted from Alistair Macdonald that Narinder Singh's personal licence had been surrendered, and no further action was required.

8. Section 84 Review of personal licence – Umar Afzal

The Depute Clerk advised of a requirement to review Umar Afzal's personal licence, following a premises licence review hearing held at the Board's meeting on 2nd April 2019. The Board agreed to revoke Mr Afzal's personal licence.

9. Section 84 Review of personal licence – Mohammed Afzal

The Board noted from Alistair Macdonald that Mohammed Afzal's personal licence had been surrendered, and no further action was required.

10. Section 84 Review of personal licence – Abbas Afzal

The Depute Clerk advised of a requirement to review Abbas Afzal's personal licence, following a premises licence review hearing held at the Board's meeting on 2nd April 2019. The Board heard from John Young on behalf of Police Scotland and from Alistair Macdonald on behalf of Mr Afzal.

Following consideration of the representations made, the Board decided that it would take no action with the personal licence.

11. Letter from Local Government and Communities Committee

The Depute Clerk advised of a letter received from the Scottish Parliament's Local Government and Communities Committee, which invited responses from the Board to a number of themes set out in the letter. The Board agreed it would be preferable to provide a response to the letter if time allowed, noting the requested date for responses of 13th May 2019.

12. Scottish Government Consultation – Draft Guidance – Licensing (Scotland) Act 2005

The Depute Clerk advised the Scottish Government was carrying out a consultation on the terms of its proposed new draft guidance, for the Licensing (Scotland) Act 2005. The new draft guidance took account of amendments which had been made to the 2005 Act, since its commencement in 2009.

The Board noted the date by which responses to the consultation should be made was 11th June 2019.

13. Equality Act 2010 – Licensing Board Policy and Equality Outcomes – update

The Board noted that an update would be provided at the 27th May meeting and agreed to continue this matter.

Councillor Norman Work
Convener of the Licensing Board

◆ EDINBURGH ◆
LICENSING BOARD

DECISION LIST – 29th APRIL 2019

APPLICATIONS FOR TRANSFER AND VARIATION OF PREMISES LICENCE

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	406309	Mr Daniyal Karamat	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	30 Craigentenny Road, Edinburgh, EH7 6LT	No	Yes	No	To increase the off-sale capacity to 25lm, to transfer the licence to a new licence holder, to appoint a new designated premises manager and to submit a new layout plan to show the changes to the capacity.	GRANTED

DECISION LIST – 29th APRIL 2019

2.	406505	Fierce Beer Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	167 Rose Street, Edinburgh, EH2 4LS	No	No	Yes	Transfer, 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, add TV Sport as an activity and change premises manager.	GRANTED “no audible nuisance” music condition
3.	406416	Mr Asif Iqbal Hussain	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	3 Clovenstone Park, Edinburgh, EH14 3BG	No	Yes	No	Transfer, increase capacity and substitute new layout plan.	GRANTED

DECISION LIST – 29th APRIL 2019

APPLICATIONS FOR VARIATION OF PREMISES LICENCE

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	406466	Atlas Hotels (Edinburgh Waterfront) Limited	Gosschalks Solicitors Queens Gardens, Hull, HU1 3DZ	101 Ocean Drive, Edinburgh, EH6 6JJ	Yes	No	No	To amend the on sale hours of the premises, to add activities, to amend the capacity, to amend children and young persons access, to also change the description of the premises showing an increase in bedrooms.	Application amended to confirm 1100 on sales commencement GRANTED (on a division)

DECISION LIST – 29th APRIL 2019

2.	406626	Still Properties Limited	TLT LLP 140 West George Street, Glasgow, G2 2HG	119 High Street, Edinburgh, EH1 1SG	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, amend wording to seasonal variations, allow certain activities outwith core hours and amend statement regarding these activities and amend details to children and young persons access to premises.	Application amended to remove amendment to amplified music and vocals condition Amendment to children and young persons' access – confirming no unaccompanied access beyond 2200 (agent to provide amended operating plan) GRANTED
----	--------	--------------------------	---	--	----	----	-----	--	--

DECISION LIST – 29th APRIL 2019

3.	405666	The Terrace Hotel Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	17-22 Royal Terrace, Edinburgh, EH7 5AQ	No	No	Yes	To amend Sunday on-sale licensed hours to 11am-1am, to amend Sunday off-sale licensed hours to 11am-10pm, to add seasonal variations, to provide that accommodation is to be provided both during and outwith core licensed hours, to allow for certain activities to be provided outwith core licensed hours, to add "gym" to other activities provided, to amend details of children and young persons entry to the premises and to increase capacity	Application amended to remove seasonal variations; capacity unchanged at 539; outdoor drinking area not used beyond licensed hours. GRANTED No outdoor drinking beyond 2200
----	--------	---------------------------	--	--	----	----	-----	---	---

DECISION LIST – 29th APRIL 2019

4.	406529	B & B Edinburgh Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	3 Rothesay Terrace, Edinburgh, EH3 7RY	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, add recorded music, bar meals, theatre, live performances and TV sport as activities and to provide that accommodation is available at all times, commence Sunday hours at 12 noon and change premises manager.	Amplified music and vocals condition to remain unchanged GRANTED, but with theatre and live music performances restricted to Festival period as specified by Board policy and with performances to be completed by 2100 (agent to amend operating plan)
----	--------	-------------------------	---	--	-----	----	----	---	---

DECISION LIST – 29th APRIL 2019

5.	405494	Sainsbury's Supermarkets Limited	Shepherd & Wedderburn 5th Floor, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL	32-36 Shandwick Place, Edinburgh, EH2 4RT	No	Yes	No	To increase off-sale capacity.	GRANTED (on a division)
6.	403621	The Bonham Hotel Edinburgh Limited	Nordic Legal Services Limited Office 1, 67 Delapre Drive, Banbury, Oxfordshire, OX16 3WS	34-36 Drumsheugh Gardens, Edinburgh, EH3 7RN	No	No	Yes	Approve internal reconfiguration and increase capacity.	GRANTED

DECISION LIST – 29th APRIL 2019

7.	406624	Omni Taverns Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	4-6 North Bank Street, Edinburgh, EH1 2LP	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 wording in regards to seasonal variations, to amend activities out with core hours and to amend statement regarding these, to amend children and young persons access.	GRANTED, but with amendment to children and young persons' access – confirming no unaccompanied access beyond 2200 (agent to provide amended operating plan)
----	--------	----------------------	---	---	----	----	-----	---	--

DECISION LIST – 29th APRIL 2019

8.	405054	Bellfield Brewery Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	46 Stanley Place, Edinburgh, EH7 5TB	No	Yes	No	Add on sales, seasonal variations, conference facilities, bar meals, receptions club or other group meetings recorded music, live performances theatre, films, indoor/outdoor sports, televised sports, outdoor drinking facilities, add additional activities to the operating plan, outwith those already listed in section 5f, allow certain activities outwith core hours, allow children and young persons access to premises, increase capacity, approve internal reconfiguration and amend description of premises.	GRANTED, subject to terminal hour Sunday – Thursday 2200 Friday – Saturday 0000 No outdoor drinking beyond 2200 (on a division)
----	--------	---------------------------	---	---	----	-----	----	--	--

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

DECISION LIST – 29th APRIL 2019

9.	405677	JD Wetherspoon (Scot) Limited	Brunton Miller Solicitors 22 Herbert Street, Glasgow, G20 6NB	50 Nicolson Street, Edinburgh, EH8 9DT	No	No	Yes	Increase on sale hours, add off sales, add seasonal variations, restaurant facilities, receptions, club meetings and televised sports as activities, allow certain activities outwith core hours, amend details to children and young persons access to premises, increase capacity, remove premises managers details, change layout and amend name and description of premises.	<p>Application amended:-</p> <ul style="list-style-type: none"> • 1100 commencement for on sales, Monday – Sunday • off sales hours deleted • recorded music and live performances deleted • Capacity 400 <p>GRANTED, and with children and young persons access only until 2200</p>
----	--------	-------------------------------	--	--	----	----	-----	--	--

DECISION LIST – 29th APRIL 2019

10.	406176	IP Partnership Limited	Inn Business (Scotland) Limited Springfield House, Laurelhill Business Park, Stirling, FK7 9JQ	52 West Port, Edinburgh, EH1 2LD	No	No	Yes	Increase on and off sale hours, add receptions, club & group meetings, dance facilities, theatre and films and indoor/outdoor sports as activities, allow certain activities outwith core hours, allow children and young persons access to premises.	CONTINUED for site visit
-----	--------	------------------------	---	----------------------------------	----	----	-----	---	--------------------------

DECISION LIST – 29th APRIL 2019

11.	406235	Punch Partnerships (PTL) Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	57-59 Roseburn Terrace, Edinburgh, EH12 5NQ	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, amend details to seasonal variations, allow premises to open from 8am for breakfasts, teas, coffees etc, amend details to children and young persons access to premises and approve internal reconfiguration.	CONTINUED for site visit and redisplay of site notice
-----	--------	----------------------------------	---	---	-----	----	----	---	---

DECISION LIST – 29th APRIL 2019

12.	405665	Punch Partnerships (PTL) Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	6 Johnston Terrace, Edinburgh, EH1 2PW	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 children and young persons access to the premises and to submit a new layout plan following an internal reconfiguration of the premises.	GRANTED
-----	--------	----------------------------------	---	--	----	----	-----	---	---------

DECISION LIST – 29th APRIL 2019

13.	404630	Cleveden 2016 Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	Annfield Bar, 10 Annfield, Edinburgh, EH6 4JF	No	No	Yes	To amend on sale hours, to standardise the wording of their seasonal variations, to add activities, to add wording after activities to include breakfasts from 9am, home deliveries, to decrease the off sale capacity, to increase the on sale capacity, to amend times for children & young persons and submit a new layout plan following an internal reconfiguration and inclusion of the existing outdoor area to be within the licensed footprint.	Agent confirming on sales commencement changing from 0900 to 1100 Monday to Sunday Amending application onsales terminal hour 0000 Sunday – Thursday, 0100 Friday – Saturday GRANTED No outdoor drinking after 2200 Condition that alcohol deliveries only to be with provision of food
-----	--------	-----------------------	---	---	----	----	-----	--	---

DECISION LIST – 29th APRIL 2019

14.	402415	Stonegate Pub Company Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Unit 8, 61 Leith Street, Edinburgh, EH1 3AU	No	No	Yes	To add receptions as an activity on the operating plan and to also amend children and young person's access to the premises.	GRANTED
-----	--------	-------------------------------	--	---	----	----	-----	--	---------

APPLICATIONS FOR PREMISES LICENCE

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	404404	Own Label Company Scotland Ltd	Own Label Company Scotland Ltd Unit 2A, Newbridge Industrial Estate, Edinburgh, EH28 8PJ	21 Swanfield, Edinburgh, EH6 5RX	No	Yes	No	The premises is situated within the Swanfield Industrial Estate, Leith, Edinburgh. It is a light industrial premises.	GRANTED

DECISION LIST – 29th APRIL 2019

APPLICATIONS FOR PROVISIONAL PREMISES LICENCE

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	406268	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	1 Ferrymuir Gait, South Queensferry, EH30 9QU	No	Yes	No	Petrol station located by convenience store	GRANTED (on a division)
2.	406266	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	19-21 Glasgow Road, Edinburgh, EH12 8HW	No	Yes	No	Convenience store located on petrol forecourt.	GRANTED (on a division)
3.	406451	Vida1 Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	276 Canongate, Edinburgh, EH8 8AA	No	No	Yes	Cafe premises located over ground floor and basement on the Canongate	GRANTED “no audible nuisance” music condition Capacity – 20 persons

DECISION LIST – 29th APRIL 2019

4.	406511	GH 230817 Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	38 St Andrews Square Edinburgh, EH2 2AD	No	No	Yes	Hotel located in St Andrews Square set out over 5 floors and a basement offering gym facilities.	Agent confirming amendment – non-resident children’s access until 2300, young persons’ until 0100 GRANTED No outdoor drinking beyond 2200 “no audible nuisance” music condition Condition - 0200 terminal hour for non-residents only when having meal in restaurant, otherwise 0100.
5.	406450	Mr Mohammad Nazim Ahmed	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	81 Fountainbridge, Edinburgh, EH3 9PU	No	No	Yes	Restaurant premises located on ground floor of a building on Fountainbridge, with storage area in basement, accessible by hatch.	CONTINUED to June meeting, for redisplay of site notice

DECISION LIST – 29th APRIL 2019

6.	406307	Fiocchi Di Neve Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	93 Dalry Road, Edinburgh, EH11 2AB	No	Yes	No	Delicatessen with limited seating located on the ground floor of a tenement on Dalry Road. There is a lower ground floor which is not accessible to the public.	GRANTED “no audible nuisance” music condition
----	--------	---------------------	--	--	----	-----	----	--	---

DECISION LIST – 29th APRIL 2019

7.	406699	QMK Edinburgh Limited	Harper Macleod LLP The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE	152 Morrison Street, Edinburgh, EH3 8EB	No	No	Yes	The premises are a hotel property located at 152 Morrison Street, Edinburgh. The premises comprise of ground floor with public areas, kitchen, office, servery, counter and reception. The premises have accommodation bedrooms located over ground, lower ground and first, second, third and fourth floor. The premises have accomodation for 289 guests.	GRANTED "no audible nuisance" music condition Capacity – 318 On sales commencement 1100 Monday – Sunday
----	--------	-----------------------	---	---	----	----	-----	---	--