

## MINUTES OF MEETING

MONDAY 27<sup>th</sup> MAY 2019

**Members present: Councillors Norman Work (Convener); Gillian Gloyer; Joanna Mowat; Callum Laidlaw; Lezley-Marion Cameron; Cammy Day**

**Apologies: Councillors David Key; Nick Cook; Steve Burgess**

**Police: Sergeant John Young**

**NHS Lothian: Elizabeth Oldcorn**

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

### 1. Licensing Board change of membership

The Convener noted the change in membership of the Board as Councillor Cathy Fullerton had resigned and Councillor Derek Howie had been appointed as her replacement by the Council. The Convener thanked Councillor Fullerton for her service to the Board since 2017 and intimated that arrangements were being made for Councillor Howie to complete the necessary statutory training prior to sitting on the Board

### 2. Personal Licence Renewals – Update

The Depute Clerk advised that as of 21<sup>st</sup> May 2019 the Board had received 577 applications in respect of renewal of personal licences due to expire by the end of 2019 and 274 applications had been granted.

The Board noted that the last date for the submission of personal licences due to expire as of 31<sup>st</sup> August 2019 was imminent being 31<sup>st</sup> May 2019 and again encouraged licence holders to submit applications timeously.

### 3. Minutes of Meeting of 29<sup>th</sup> April 2019

The minutes of the meeting of 29<sup>th</sup> April 2019 were noted and approved.

### 4. Request for Extension of Provisional Licence (continued) – Lidl, 234-246 Easter Road

The Board was provided with updates from Colin McCulloch confirming the position for Building Standards, and from Andrew Hunter on behalf of the licence holder. The Board agreed to a further continuation of the provisional period for one month, noting that efforts were continuing towards confirmation of the provisional premises licence.

### 5. Request for Extension of Provisional Licence – 85/87 South Bridge

The Board heard from Alistair Macdonald on behalf of the licence holder, and from Colin McCulloch confirming the Building Standards position on the request for extension.

The Board agreed to a six month extension of the provisional period.

### 6. Request for Extension of Provisional Licence – 120 Dundas Street

The Board heard from Alistair Macdonald on behalf of the licence holder, and from Colin McCulloch confirming the Building Standards position on the request for extension. The Board noted the provisional period would expire In July.

The Board agreed to a six month extension of the provisional period.

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

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

**Declarations of interest:** None

#### **Divisions:**

New Provisional premises licences

3. 1A Parliament Square 1A PSQ Limited

Councillor Work, seconded by Councillor Laidlaw, moved grant of the application for provisional premises licence, subject to specified conditions and amended operating plan. Councillor Cameron, seconded by Councillor Day, moved an amendment that the application should be refused on grounds of overprovision. Following a division the application was granted.

NHS Lothian representations:-

#### Provisionals

1. 146 Princes Street Diageo Scotland Limited
2. 19 St Leonard's Lane The Holyrood Distillery Limited
3. 1A Parliament Square 1A PSQ Limited

### **Review of premises licence – Oceana Bar, 145 Ferry Road, Edinburgh – verbal update**

The Depute Clerk confirmed the Board had previously considered an application for review of the premises licence, submitted by the Council's LSOs. Tom Veitch provided the Board with an update, advising that a level set had been carried out at the premises, ensuring the volume of the jukebox operating in the premises was controlled. There were no further issues to report and the Board noted the position.

### **8. Personal Licence – section 83 hearing – Murray Duncan**

The Depute Clerk advised the Board of the basis upon which there was a requirement to review Mr Duncan's personal licence. The Board heard from Mr Duncan and after due consideration agreed to endorse his personal licence.

### **9. Scottish Government Consultation – Occasional Licences – fees and duration**

The Depute Clerk advised of the details of the Scottish Government's consultation on occasional licences. She confirmed the closing date for responses was 16<sup>th</sup> July and it was agreed that the views of Board members would be collated with a view to submitting a response to the consultation. The Board considered it would be beneficial to have information made available from the Council's Licensing Service about the costs of administering occasional licence applications.

### **10. Scottish Government Consultation – Draft Guidance – Licensing (Scotland) Act 2005**

The Depute Clerk referred to the Scottish Government's consultation on the terms of the new draft guidance to the 2005 Act. The Board agreed the terms of the report provided for consideration. During discussions, it was agreed it would be beneficial to highlight to the Scottish Government the Board's concerns about the part of the 2005 Act dealing with excluded premises, in view of developments in case law.

### **11. Licensing Board Equalities Policy and Equalities Outcomes**

The Depute Clerk confirmed work was continuing on this matter and that a detailed update would be provided to the Board at a future meeting

Councillor Norman Work  
Convener of the Licensing Board



# DECISION LIST – 27 MAY 2019

## APPLICATIONS FOR VARIATION OF PREMISES LICENCE CONTINUED FROM MEETING OF 29 APRIL 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	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. CC LSO O x1	Applicant amended application for C&YP access to read <i>“Children and Young Persons will not be allowed within one metre of the bar counter area of the Public Bar.”</i>  GRANTED AS SOUGHT

# DECISION LIST – 27 MAY 2019

## APPLICATIONS FOR TRANSFER & VARIATION OF PREMISES LICENCE 27 MAY 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	408672	Mrs Prithpal Pooja Kaur Singh	Macdonald Licensing  Bf, 21 Rutland Square, Edinburgh, EH1 2BB	123 Morrison Street, Edinburgh, EH3 8AJ	No	Yes	No	To increase Off Sale hours, add recorded music as an activity, to amend description of activities provided on premises and to transfer the licence holder. CC x2 LSO BSR	Capacity confirmed as being 23 ln m.  GRANTED AS SOUGHT "no audible nuisance" music condition

# DECISION LIST – 27 MAY 2019

## APPLICATIONS FOR VARIATION OF PREMISES LICENCE

27 MAY 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1	407319	Heart of Midlothian Football Club	Hill Brown Licensing  RWF House, 5 Renfield Street, Glasgow, G2 5EZ	1 Tynecastle Terrace, Edinburgh, EH11 2NL	No	No	Yes	Increase capacity, approve internal reconfiguration, submit new layout plans and add following conditions 1. Kiosks will not be used during match days 2. Off sales will not be transacted during match days. Premises form the stands of Tynecastle Stadium, a football stadium, situated just off Gorgie Road between McLeod and Wheatfield Street in the West End of the City. CC LSO BSR	Police requested conditions 1-6 detailed in representation to be added to licence and two further conditions - 1. Kiosks will not be used during match days 2. Off sales will not be transacted during match days. . Outdoor drinking 10pm. Capacities confirmed – 1730 in licensed areas and stadium capacity 22,000  GRANTED AS SOUGHT

# DECISION LIST – 27 MAY 2019

3.	408747	The Co-Operative Group Food Limited	Hill Brown Licensing  RWF House, 5 Renfield Street, Glasgow, G2 5EZ	141 St John's Road, Edinburgh, EH12 7SD	No	Yes	No	Amend licence description to: "Convenience store, part of a national chain, selling a broad range of products for consumption off the premises". CC	GRANTED AS SOUGHT
4.	407865	Shell UK Oil Products Limited	Lockett & Co  Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	143 Crewe Road South, Edinburgh, EH4 2NT	No	Yes	No	Increase capacity, approve internal reconfiguration and submit new layout plan. CC LSO BSR	CONTINUED TO JUNE BOARD



# DECISION LIST – 27 MAY 2019

5.	408677	Miss Helena Novotna	Macdonald Licensing  Bf, 21 Rutland Square, Edinburgh, EH1 2BB	155 Dundee Street, Edinburgh, EH11 1BP	No	Yes	No	To increase off sales capacity, to provide that the premises may be open after the terminal hour. It may also open prior to the commencement of the licensed hours but not earlier than 6am. This would be for the sale of newspapers, rolls and general groceries. After 10pm products other than alcohol would continue to be sold. If the premises were to remain open after 11pm, this would be in conjunction with a Late Hours Catering Licence, to also submit a new layout plan showing the repositioning of the counter and the new alcohol display area. CC LSO BSR	Capacity 24.44 In m  GRANTED AS SOUGHT
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## DECISION LIST – 27 MAY 2019

6.	408956	Caledonian Heritable Ltd	Caledonian Heritable Ltd  4 Hope Street, Edinburgh, EH2 4DB	19 Blair Street, Edinburgh, EH1 1QR	No	No	Yes	Increase on and off sale hours. CC LSO NHS	WITHDRAWN
7.	408467	Nanyang Restaurant Limited	Morton Fraser  2 Lister Square, Edinburgh, EH3 9GL	3-5 Lister Square, Edinburgh, EH3 9GL	Yes	No	No	To extend the licensed area to include a catering van, to add retail sales, to increase core hours, to change the wording in Q5 of the operating plan, include theatre as a permitted activity, to include takeaway food, to change the layout on the first floor from a restaurant to a shop. CC LSO BSR	Applicant amended application to remove reference to catering van on layout plan and operating plan. Capacity of 115 (65 internal and 50 external).  GRANTED AS AMENDED

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8.	407385	CLGM LIC Ltd	TLT LLP  Gf, 80 Hanover Street, Edinburgh, EH2 1EL	43b Frederick Street, Edinburgh, EH2 1EP	Yes	No	No	Increase on sale hours, amend details to seasonal variations, allow certain activities outwith core hours, add takeaways private and corporate events, charity nights, tastings, product sampling events, product launches, meetings displays exhibitions and/or Edinburgh Festival activities as activities, allow children and young persons access to premises and show external area in basement as licensed. CC x2 LSO BSR O x1	CONTINUED FOR A SITE VISIT AND SUBMISSION OF AMENDED LAYOUT PLANS
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9.	408658	J & L Leisure Limited	ADW Licensing  24 Canning Street, Edinburgh, EH3 8EG	48 Raeburn Place, Edinburgh, EH4 1HL	No	No	Yes	Increase on sale hours, add Seasonal Variations, Restaurant Facilities and Receptions as activities during and outwith core hours, amend details to Children and Young Persons access to premises, increase capacity, approve internal reconfiguration, submit new layout plan and amend description of premises to Wine Cafe. CC LSO BSR	Applicant agreed Capacity of 40.  SEASONAL VARIATIONS REFUSED APPLICATION OTHERWISE GRANTED AS AMENDED
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## DECISION LIST – 27 MAY 2019

10.	407624	Sirius Leisure Limited	TLT LLP  Gf, 80 Hanover Street, Edinburgh, EH2 1EL	50 Mortonhall Gate, Edinburgh, EH16 6TJ	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 on sale hours, to amend off sale hours, to add seasonal variations, to add and amend activities, to allow outdoor drinking, to amend children and young persons access, to submit a new layout plan showing the additions of the external courtyard to the licensed footprint. CC LSO BSR	CONTINUED FOR A SITE VISIT
11.	407626	The Speratus Group Limited	TLT LLP  Gf, 80 Hanover Street, Edinburgh, EH2 1EL	Gf, 107 George Street, Edinburgh, EH2 3ES	No	No	Yes	To amend terms in which children and young persons are allowed entry. CC LSO	Operating plan amended to reflect children's access to include "children attending a function but never later than 1am"  GRANTED AS SOUGHT

## DECISION LIST – 27 MAY 2019

12.	408741	John Lewis PLC	John Gaunt & Partners  Units 39-41, Haslar Marine Technology Park, Haslar Road, Gosport, Hampshire, PO12 2AG	John Lewis, 60 Leith Street, Edinburgh, EH1 3SP	No	No	Yes	To increase off sale capacity and change basement level layout plan. CC BSR	Capacity 28.3 In and seasonal capacity 40.3 In m  GRANTED AS SOUGHT
13.	407961	Select Service Partner Limited	Hill Brown Licensing  RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Unit 9, Princes Mall, 3 Waverley Bridge, Edinburgh, EH1 1BQ	No	Yes	No	Increase capacity, approve internal reconfiguration and submit new layout plan. CC BSR O x1	Capacity 50.975 In m  GRANTED AS SOUGHT

### NEW PREMISES LICENCE APPLICATIONS

27 MAY 2019

14.	407233	Edinburgh River Life Limited	Hadden Rankin Solicitors  24 Haddington Place, Edinburgh, EH7 4AF	84 Dalry Road, Edinburgh, EH11 2AX	Yes	No	No	Riverlife Restaurant 84 Dalry Road Edinburgh EH11 2AX  CC LSO BSR	New music condition Capacity 36  GRANTED AS SOUGHT
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# DECISION LIST – 27 MAY 2019

## PROVISIONAL LICENCE APPLICATIONS

27 MAY 2019

15.	408350	Diageo Scotland Limited	Morton Fraser 2 Lister Square, Edinburgh, EH3 9GL	146 Princes Street, Edinburgh, EH2 4BL	No	No	Yes	Visitor centre related to the craft heritage of Johnnie Walker Scotch Whisky brand with retail shop, exhibition spaces, events space and bar areas comprise of basement and further six floors at the corner of Princes Street and Hope Street. CC x2 LSO BSR NHS	New music condition Capacity 1738 on sales and 462.27 In m off sales. Operating plan amended to reflect Board policy re Children and Young Persons access and public access to rooftop bars on Sundays before 11am for tour visitors only  GRANTED AS SOUGHT
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16.	407960	The Holyrood Distillery Ltd	Brunton Miller  Herbert House, 22 Herbert Street, GLASGOW, G20 6NB	19 St Leonard's Lane, Edinburgh, EH8 9SH	No	No	Yes	The premises will operate as a working distillery including exhibition and tasting areas and associated retail areas with use of external yard for community amenity space and occasional open air market or other events. CC x2 LSO BSR NHS	Applicant removed seasonal variations from application. New music condition. Outdoor drinking 10pm. Children & young persons must be accompanied by an adult. Additional condition - “access to the bar/tasting room areas will only be afforded to persons having undertaken the paid guided tour of the distillery and to persons attending private/pre-booked functions or events in the premises” 1am licence to be used for pre-booked functions only.  GRANTED AS AMENDED
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## DECISION LIST – 27 MAY 2019

17.	408671	1A PSQ Limited	Macdonald Licensing  Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1a Parliament Square, Edinburgh, EH1 1RF	No	No	Yes	Tourist hostel premises located over six floors in a historical building to the East side of Parliament Square. CC x2 LSO BSR NHS O x2	Applicant removed seasonal variations and private functions from application. New music condition Capacity 248  Additional Conditions – 1) sale of alcohol will be from one draft beer tap situated in the reception area; 2) no alcohol will be sold after 11pm GRANTED AS AMENDED (on a division)
18.	408676	Elliott's Cafe Limited	Macdonald Licensing  Bf, 21 Rutland Square, Edinburgh, EH1 2BB	27 Sciennes Road, Edinburgh, EH9 1NX	No	No	Yes	Small cafe/restaurant located on the ground floor of a tenement building on Sciennes Road. CC x2 LSO BSR	New music condition Capacity of 20  GRANTED AS SOUGHT