

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

THURSDAY 30th APRIL 2020

START TIME 2.00pm

NOTE – meeting to be conducted remotely, in terms of section 133 of the 2005 Act, as amended by the Coronavirus (Scotland) Act 2020

AGENDA

1. Preliminary matters
2. Minutes of meeting of 24th February 2020
3. Applications for variation of existing premises licences – as detailed in separate list
4. Request for Extension of Provisional Period – 42 St Stephens Street
5. Personal Licences and Requirement for Refresher Training

Nick Smith
Clerk of the Licensing Board

◆ EDINBURGH ◆

LICENSING BOARD

Licensing Board membership:

Councillor Steve Burgess	Councillor Derek Howie
Councillor Lezley Marion Cameron	Councillor David Key
Councillor Nick Cook	Councillor Callum Laidlaw
Councillor Cammy Day	Councillor Joanna Mowat
Councillor Gillian Gloyer	Councillor Norman Work (Convener)

General information about the Licensing Board's meeting dates, Policies, etc is available online:-

<https://www.edinburgh.gov.uk/licences-permits/edinburghs-licensing-board/1>

MINUTES OF MEETING

MONDAY 24th FEBRUARY 2020

Members present: Councillors Norman Work (Convener); Gillian Gloyer; Joanna Mowat; David Key; Steve Burgess; Callum Laidlaw; Derek Howie; Lezley-Marion Cameron

Apologies: Councillors Nick Cook; Cammy Day

Police: Sergeant John Young

NHS Lothian: Jim Sherval

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

1. Preliminary matters

None

2. Minutes of Meeting of 27th January 2020

The minutes and decision list for the meeting of 27th January 2020 were agreed.

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 applications for variation of premises licences, provisional premises licences and personal licences, the decisions for which are as detailed in the list appended to these minutes.

Declarations of interest: None

Divisions:

Cont. Variations – 1. – 30 Longstone Road (Star Pubs & Bars Ltd)

Councillor Work, seconded by Councillor Gloyer, moved grant of the application, attaching a condition on use of on sales between 0900 and 1100, Mon-Sat. Councillor Howie, seconded by Councillor Burgess, moved as an amendment that the application be granted but with the on sales commencement hour of 1100. Following a division, the MOTION was agreed.

Cont. Variations – 1. – 30 Longstone Road (Star Pubs & Bars Ltd)

Councillor Work, seconded by Councillor Gloyer, moved grant of the application, attaching a condition on use of on sales between 0900 and 1100, Mon-Sat. Councillor Howie, seconded by Councillor Burgess, moved as an amendment

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

◆ EDINBURGH ◆

LICENSING BOARD

that the application be granted but with the on sales commencement hour of 1100. Following a division, the MOTION was agreed.

Cont. Variations – 1. – 30 Longstone Road (Star Pubs & Bars Ltd)

Councillor Work, seconded by Councillor Gloyer, moved grant of the application, attaching a condition on use of on sales between 0900 and 1100, Mon-Sat. Councillor Howie, seconded by Councillor Burgess, moved as an amendment that the application be granted but with the on sales commencement hour of 1100. Following a division, the MOTION was agreed.

NHS Lothian representations:-
Marked on decision list below

4. Period of Effect of Premises Licence – section 28 – 16 Home Street, Edinburgh (Liquorice Club)

The Board noted the terms of a report presented by Tom Veitch, on the current status of the premises at 16 Home Street, noting the premises had not been operating for a number of years. The licence holder was present together with Alistair Macdonald and it was confirmed that a major variation would be submitted for the Board's consideration, potentially by April.

The Board agreed to take no action in the meantime and to await the variation application.

5. Review Hearings – premises licences – Unpaid Annual Fees 2019/20

The Board held premises licence review hearings for a number of premises where the annual fees due for the period 2019/20 remained outstanding in spite of written reminders and LSO follow up work. The Board reached decisions on the following:-

43 Lanark Road	EH14 1TL	280	DAJJ Developments Ltd	revoked
62 Lochend Road South	EH7 6DE	220	Mr Mohammed Kashif Imran	Suspended 4 weeks
132 Gorgie Road	EH11 2NS	220	Mr Mohammed Nasir Chaudhery	Suspended 4 weeks
35-37 Shandwick Place	EH2 4RG	500	Mr Mohammed Yeaqub	Suspended 4 weeks
139 Easter Road	EH7 5QA	220	Mr Pancrazio Spano	revoked
117 Dundee Street	EH11 1AX	220	Mr Parmjit Singh Sandher	Suspended – delayed (to allow payment)
34 Ferry Road Drive	EH4 4BR	220	Mr Zahid Iqbal	Suspended 4 weeks
10d Bath Street	EH15 1EY	280	Poon Lin Yip	Suspended 4 weeks
3-4 Queensferry Street	EH2 4PA	900	Waugh Taverns Limited	Suspended 4 weeks

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

◆ EDINBURGH ◆
LICENSING BOARD

Councillor Norman Work
Convener of the Licensing Board

◆ EDINBURGH ◆
LICENSING BOARD

DECISION LIST – 24th FEBRUARY 2020

APPLICATIONS FOR VARIATION OF PREMISES LICENCE - (CONTINUED FROM 27 JANUARY 2020)

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	418102	Star Pubs & Bars Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	30 Longstone Road, Edinburgh, EH14 2BH	No	No	Yes	Vary amplified music & vocals condition Increase on & off sale hours, add seasonal variations, conference facilities, restaurant facilities, karaoke & quiz nights as activities, allow premises to open from 8am for provision of breakfasts, coffees, teas amend details to children & young persons access increase capacity, approve internal reconfiguration & amend description of premises. CC,LSO,BSR,NHS	Application amended – off sales commencing 1100 GRANTED “no audible nuisance” music condition On sales 0900 – 1100 Mon-Sat - to be used only in connection with televised major sporting events where coverage provided beyond normal licensed hours, such as Football and Rugby World Cups, Olympics, Superbowl, as defined in Board’s statement of licensing policy (on a division) Agent confirmed changes would only take effect when renovation of premises completed

DECISION LIST – 24th FEBRUARY 2020

2.	424901	Ettore Investment Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1-2 Yardheads, Edinburgh, EH6 6BU	No	No	Yes	To amend core licensed hours for on & off sales, to correct Qu1 Operating Plan, to vary amplified music condition, to amend seasonal variations, to amend details of activities carried out on premises CC,LSO,NHS	Variation application WITHDRAWN
----	--------	---------------------------	---	-----------------------------------	----	----	-----	--	---------------------------------

APPLICATIONS FOR VARIATION OF PREMISES LICENCES

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	424444	Admiral Taverns Picadilly Limited	MacgregorThomson Solicitors Springfield House, Laurelhill Business Park, Castle Business Park, Stirling, FK7 9JQ	142 Duke Street, Edinburgh, EH6 8HR	No	No	Yes	Amend terminal hour to 01:00 hrs daily; add bar meals; allow certain activities to take place out with core hours. CC,LSO,BSR, NHS, Ox2	CONTINUED – 27 April 2020
2.	426452	The Jazz Bar Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1a Chambers Street, Edinburgh, EH1 1HR	Yes	No	No	Amend music condition; commence licensed hours on Sunday from 12:00 hrs; add bar meals; amend children's access. CC,LSO	GRANTED “no audible nuisance” music condition

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

DECISION LIST – 24th FEBRUARY 2020

3.	426727	Wokelse Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	8 Newington Road, Edinburgh, EH9 1QS	No	No	Yes	Increase on sales hours to 11:00 - 23:00 daily; include - off sales, seasonal variations, Receptions, Club/Group meetings, Recorded music, Televised sport indoor/outdoors. CC,LSO, BSR	GRANTED No outdoor drinking after 2200 Capacity 36
----	--------	-----------------	---	--------------------------------------	----	----	-----	---	--

APPLICATIONS FOR TRANSFER & VARIATION OF PREMISES LICENCES

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	426710	Deaf Action	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	49-51 Albany Street, Edinburgh, EH1 3QY	Yes	No	No	Transfer; remove conditions relating to registered clubs, include a Premises Manager. CC, LSO	GRANTED

DECISION LIST – 24th FEBRUARY 2020

2.	426251	Dalry Deli Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	93 Dalry Road, Edinburgh, EH11 2AB	No	No	Yes	Transfer; add on sales, seasonal variations, restaurant facilities, receptions and recorded music. Allow access for children and young persons Include onsales capacity of 40. CC, LSO, LSO	GRANTED Off sales commencement 1100 Capacity 28
----	--------	--------------------	--	--	----	----	-----	--	--

DECISION LIST – 24th FEBRUARY 2020

APPLICATIONS FOR PROVISIONAL PREMISES LICENCE – CONTINUED FROM 27 JANUARY 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	413709	Le Bistrot by Patisserie Maxime Limited	Mr Cyril Barthelme, 12a Sighthill Avenue, Edinburgh, EH11 4QS	59-63 George IV Bridge, Edinburgh, EH1 1RN	Yes	No	No	Part of ground floor of French Consulate building on corner of George IV Bridge – Royal Mile. The business runs as a French Bistro. CC x2 LSO BSR NHS	Application amended – no children’s access beyond 2300 GRANTED Music condition – “no audible nuisance”
2.	425293	Shell UK Oil Products Limited	Lockett & Co, Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	7 Seafield Road, Edinburgh, EH6 7LE	No	Yes	No	Convenience store located on petrol forecourt. CC x2 LSO BSR NHS	GRANTED Capacity – 4.95m

DECISION LIST – 24th FEBRUARY 2020

3.	422612	Royal Collections Enterprises Limited	Morton Fraser LLP, 2 Lister Square, Edinburgh, EH3 9GL	10 Abbey Strand, Edinburgh, EH8 8DU	Yes	No	No	Learning Centre on ground and first floor (with external garden area) in the grounds of the Palace of Holyroodhouse off Abbey Strand. CC x2 LSO BSR	Application amended – on sales from 1100 GRANTED Music condition – “no audible nuisance” No outdoor drinking beyond 2200 Capacity – 180 Condition – no payment for alcohol consumed in external area will be made in the external area
----	--------	---------------------------------------	--	-------------------------------------	-----	----	----	--	---

APPLICATIONS FOR PROVISIONAL PREMISES LICENCES

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	426071	The Co-Operative Group Food Limited	Ms Eilidh McGuire RWF House, 5 Renfield Street, Glasgow, G2 5EZ	120-122 Colinton Road, Edinburgh, EH14 1BY	No	Yes	No	Convenience store, part of a national chain, selling a broad range of products for consumption off the premises. CC; LSO; BSR	GRANTED Music condition – “no audible nuisance” Agent to provide amended layout plan Capacity – 61.63m

DECISION LIST – 24th FEBRUARY 2020

2.	425784	Belvar Life (UK) Ltd	John Gaunt & Partners Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT	159 Fountainbridge, EH3 9QA	No	No	Yes	Hotel with Restaurant, bar, meeting room facilities, function room associated access and parking with an external area. CC: LSO; BSR	GRANTED “no audible nuisance” music condition Outdoor drinking – 2200 restriction (ground floor); 0000 restriction (6 th floor terrace), other than during seasonal variation 0100 On sales 0900 – 1100 Mon-Sat - to be used only in connection with (1) televised major sporting events where coverage provided beyond normal licensed hours, such as Football and Rugby World Cups, Olympics, Superbowl, as defined in Board’s statement of licensing policy; (2) where alcohol is provided as an ancillary to food, such as for champagne breakfasts; (3) for pre-booked private functions Total capacity - 1051 (on a division)
----	--------	----------------------	---	--------------------------------	----	----	-----	---	---

DECISION LIST – 24th FEBRUARY 2020

3.	426661	Dionysus Premium Drinks Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	3 Elm Row, Edinburgh, EH7 4AA	No	No	Yes	Small Cafe/takeaway located on ground floor with mezzanine and small lower ground storage/staff area within building at corner of Elm Row and Leopold Place CC; LSO; BSR	GRANTED Music condition – “no audible nuisance” No outdoor drinking beyond 2200 Capacity - 20
4.	426454	JJW Foods Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	74 Gilmerton Dykes Street, Edinburgh, EH17 8PL	No	Yes	No	Ground floor retail unit within a modern re-development on Gilmerton Dykes Street, Edinburgh. CC; LSO; BSR	GRANTED Music condition – “no audible nuisance” Capacity – 22.8m
5.	426663	Mr Harem Murdochy	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	84 Joppa Road, Edinburgh, EH15 2ET	No	No	Yes	Cafe/Takeaway located at the end of the Promenade on Portobello Beach, being part of Council owned premises. CC; LSO; BSR	GRANTED Music condition – “no audible nuisance” No outdoor drinking beyond 2200 Capacity – 80 Agent to provide amended layout plan confirming extent of external area

DECISION LIST – 24th FEBRUARY 2020

6.	426070	The Co-Operative Group Food Limited	Hill Brown Licensing RWF House, 5 Renfield Street, Glasgow, G2 5EZ	Land 292 Metres West Of 10, Gilmerton Station Road, Edinburgh	No	Yes	No	Convenience Store, part of a national chain, selling a broad range of products for consumption off the premises. CC; LSO; BSR	GRANTED Music condition – “no audible nuisance” Agent to provide amended layout plan Capacity – 90.91m
7.	426664	Keasim Edinburgh Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Waverley Mall, 3 Waverley Bridge, Edinburgh	No	No	Yes	Self-standing building located on the Waverley Mall Plaza, being the Former Tourist Information office CC: LSO; BSR	GRANTED Music condition – “no audible nuisance” No outdoor drinking beyond 2200 Capacity – 290 (on a division)

PERSONAL LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Comments	Decision
1.	420727	Mr Aidan Peter Patrick Kelly	G1 Group, Hamilton House, 70 Hamilton Drive, Glasgow, G12 8DR.	CC	Not present – continued to April meeting
2.	424369	Mr Mark James Adam		CC	Not present – continued to April meeting
3.	426250	Mr Pankaj Rawat	MacDonald Licensing, 21a Rutland Square, Edinburgh, EH1 2BB	CC	GRANTED – Mr Rawat to complete refresher training within 6 months

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

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION OF PREMISES LICENCE APPLICATIONS

30 April 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	427826	Scottish Midland Co-operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	1 Rannoch Terrace, Edinburgh, EH4 7ER	No	Yes	No	05/03/20	To include recorded music; allow delivery of alcohol via a home delivery service CC LSO	
2.	427822	Scottish Midland Co-operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	160-162 Restalrig Road South, Edinburgh, EH7 6EH	No	Yes	No	05/03/20	To include recorded music; allow delivery of alcohol via a home delivery service CC BSR	
3.	427828	Scottish Midland Co-operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	80-88 Moredun Park Road, Edinburgh, EH17 7HG	No	Yes	No	05/03/20	To include recorded music; allow delivery of alcohol via a home delivery service CC LSO	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION OF PREMISES LICENCE APPLICATIONS

30 April 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
4.	428559	Scottish Midland Co-Operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	19 Leven Street, Edinburgh, EH3 9LH	No	Yes	No	05/03/20	To include recorded music; allow delivery of alcohol via a home delivery service CC	
5.	427827	Scottish Midland Co-operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	21 Gracemount Drive, Edinburgh, EH16 6RP	No	Yes	No	05/03/20	To include recorded music; allow delivery of alcohol via a home delivery service CC LSO	
6.	427823	Scottish Midland Co-operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	230 Oxfgangs Road North, Edinburgh, EH13 9BQ	No	Yes	No	05/03/20	To allow delivery of alcohol via a home delivery service CC	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - VARIATION OF PREMISES LICENCE APPLICATIONS

30 April 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
7.	427847	Scottish Midland Co-Operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	236-240 Crewe Road North, Edinburgh, EH5 1LW	No	Yes	No	05/03/20	To include recorded music; allow delivery of alcohol via a home delivery service CC LSO	
8.	427824	Scottish Midland Co-operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	283-289 Calder Road, Edinburgh, EH11 4RH	No	Yes	No	05/03/20	To allow delivery of alcohol via a home delivery service CC	
9.	427821	Scottish Midland Co-Operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	7 Kingsknowe Road North, Edinburgh, EH14 2BN	No	Yes	No	05/03/20	To include recorded music; allow delivery of alcohol via a home delivery service CC	

LICENSING BOARD

REPORT - PERSONAL LICENCES AND REQUIREMENT FOR REFRESHER TRAINING

1. Purpose

- 1.1 All Personal Licence holders are required to complete prescribed refresher training and notify their Licensing Board when they have done so within statutory timescales set out in the Licensing (Scotland) Act 2005.
- 1.2 There is a mandatory requirement to revoke Personal Licences where the holders have failed to notify the Board of completion of the refresher training within the statutory time limits.
- 1.3 The Coronavirus (Scotland) Act 2020 allows Personal Licence holders who have been unable to meet the statutory time limits for a reason related to coronavirus to be treated as having so complied if a Licensing Board extends the period in which to complete refresher training and submit evidence of same to the Board .
- 1.4 The Board is therefore asked to determine that a general extension period of four months apply to all affected Personal Licence holders as regards: -
 - i) completing the prescribed refresher training; and thereafter
 - ii) notifying the Board when they have done so

where the reason for the delay in completing their training or notifying the Board is coronavirus related.

2. Main Report

- 2.1. Personal Licences have a ten year lifespan. Section 87 of the 2005 Act places a mandatory requirement upon licence holders to complete prescribed refresher training within the first five years of their licence. The refresher training requirement continues every five years thereafter, for as long as licence holders continue to renew their licences.
- 2.2. Section 87 also sets out that Personal Licence holders who complete the training must notify their Board that they have done so, within three months from the date of expiry of the five year period. If they fail to do so, the Board must revoke the personal licence. The Board has no discretion in that regard. At its meeting in December 2014 the Board agree to delegate responsibility for the revocation of Personal Licences falling into this category to the Clerk and his Deputies.
- 2.3. The Coronavirus (Scotland) Act 2020 has made a number of amendments to the Licensing (Scotland) Act 2005 in response to circumstances arising from the current Covid-19 pandemic. The amendments set out in the Act are initially in place until 30th September 2020 and may be continued for a further period thereafter under regulations made by the Scottish Ministers.
- 2.4. The 2020 Act allows Licensing Boards to extend the period for both completion of prescribed training by Personal Licence holders and for them to notify the Board that they have done so. If a Licensing Board agrees to extend the period, then any Personal Licence holder who completes training or

LICENSING BOARD

submits notification within the extended period for a reason related to coronavirus will be treated as having complied with the statutory time limits set out in Section 87(1).

- 2.5. General information available at present suggests that most training providers are unable to offer refresher training courses during the current lockdown period and it is unclear at what point normal training provision will resume. In these circumstances it is suggested to Board that a four month period as detailed at Paragraph 1.4 above will allow Personal Licence holders an opportunity to meet refresher training and/or notification requirements within the extended timescale. Board are advised that the 2020 Act does make provision for further extensions if so required. The Depute Clerks will monitor the situation and if it appears that Personal Licence holders continue to experience difficulties with attending courses and/or submitting notifications timeously then a further report will be submitted to the Board for consideration.

3. Recommendation

3.1 The Board is asked: -

- (a) To note the details of this report, regarding refresher training and revocation of personal licences;
- (b) to agree that the period set out within section 87 of the Licensing (Scotland) Act 2005 will be extended by four months for all Personal Licence holders, both in relation to: -
 - iii) completing the prescribed refresher training; and
 - iv) notifying the Board when they have done so

where the reason for the delay in completing the said training or notifying the Board is coronavirus related.

5. Background

- 5.1 Licensing (Scotland) Act 2005 section 87
- 5.2 Coronavirus (Scotland) Act 2020 Schedule Five, Paragraph 3(4)

Morag Leck
Depute Clerk of the Licensing Board