

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

THURSDAY 18th JUNE 2020

START TIME 2.30pm

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 30th April 2020
3. Applications for variation of existing premises licences – as detailed in separate list
4. Requests for Extension of Provisional Period –
 - 85-87 South Bridge
 - 20-30 Cockburn Street
 - Unit 4-5 Raeburn Place
 - Unit 6-8 Raeburn Place
 - Unit 9 Raeburn Place
5. Extended Hours Policy – 2020
6. Amendment to Licensing Board Scheme of Delegation
7. Use and operation of outdoor areas

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>

◆ EDINBURGH ◆

LICENSING BOARD

MINUTES OF MEETING (VIDEO CONFERENCE)

THURSDAY 30th APRIL 2020

In attendance: Councillors Norman Work; Steve Burgess; Nick Cook; Gillian Gloyer; David Key; Callum Laidlaw; Joanna Mowat

1. Preliminary matters

The Board agreed in terms of paragraph 12(2) of schedule 1 of the 2005 Act that it was not possible to hold the meeting in public because of reasons connected with coronavirus. The Board also agreed that in terms of section 133 of the Act that hearings would proceed on the basis of written representations, for similar reasons.

2. Minutes of meeting of 24th February 2020

The minutes of the meeting of 24th February 2020 were agreed as providing an accurate record of that meeting.

3. Applications for variation of existing premises licences

The applications as detailed in the attached list were considered by the Board, and the decisions on each application are as set out in the list.

4. Request for Extension of Provisional Period – 42 St Stephens Street

The Board noted the details of a request to extend the provisional period for the premises at 42 St Stephens Street. The Board agreed to a nine month extension.

5. Personal Licences and Requirement for Refresher Training

The Board noted the terms of a report prepared by the Depute Clerk, setting out amendments to the 2005 Act on renewal applications for Personal Licences and the associated refresher training requirements.

The Board agreed to allow an additional four month period for Personal Licence holders both to complete refresher training and provide confirmation of that to the Board, where licence holders had been unable to meet normal statutory deadlines because of coronavirus reasons.

Councillor Norman Work
Convener of the Licensing Board

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	GRANTED music condition attached
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	GRANTED music condition attached Capacity in linear metres
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	GRANTED music condition attached

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	GRANTED music condition attached
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	GRANTED music condition attached
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	GRANTED

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	GRANTED music condition attached
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	GRANTED
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	GRANTED music condition attached

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

18 JUNE 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	430230	Lidl Great Britain Limited	Harper Macleod LLP The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE	Lidl, 160 West Granton Road, Edinburgh, EH5 1PE	No	Yes	No	09/04/20	Extend store and increase in display capacity for alcohol. CC LSO BSR	
2.	428754	Lidl Great Britain Limited	Licensing Team Lidl Distribution Centre, Palmer Avenue, Severn Beach, Bristol, BS35 4DF	Lidl, 56-58 Nicolson Street, Edinburgh, EH8 9DT	No	Yes	No	09/04/20	Increase capacity of alcohol display. CC LSO BSR	
3.	428755	Lidl Great Britain Limited	Licensing Team Lidl Distribution Centre, Palmer Avenue, Severn Beach, Bristol, BS35 4DF	Lidl, 11 Logie Green Road, Edinburgh	No	Yes	No	09/04/20	Increase capacity of alcohol display. CC LSO BSR	

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

18 JUNE 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
4.	429571	Scottish Midland Co-Operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	Scotmid, 1a Hillwood Road, Newbridge, EH28 8PU	No	Yes	No	09/04/20	Include recorded music both during and outwith core licensed hours; increase trading hours. CC LSO	
5.	429418	Tesco Stores Limited	Pinsent Masons LLP 141 Bothwell Street, Glasgow, G2 7EQ	Tesco Express, 59 Holyrood Road, Edinburgh, EH8 8AU	No	Yes	No	09/04/20	Increase in capacity of alcohol display. CC LSO BSR	
6.	426888	The Edinburgh Woollen Mill Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	The Edinburgh Woollen Mill, 371 High Street, Edinburgh, EH1 1PW	No	Yes	No	09/04/20	Allow for activities to take place outwith core licensed hours, without the sale of alcohol. CC LSO BSR	

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

18 JUNE 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
7.	429638	Trust Inns Limited	John Gaunt & Partners Omega Court, 372 Cemetery Road, Sheffield, S11 8FT	Dukes Head, 31 Duke Street, Edinburgh, EH6 8HH	No	No	Yes	09/04/20	Commence sale of alcohol from 11:00 on Sundays; add bar meals as an activity; allow access for children. CC LSO BSR	
8.	430155	Premier Inns Hotels Ltd	John Gaunt & Partners Omega Court, 372 Cemetery Road, Sheffield, S11 8FT	Edinburgh City Centre Premier Inn, 121/123 Princes Street, Edinburgh, EH2 4AD	No	No	Yes	09/04/20	Amend address to 121/123 Princes Street; amend description; increase capacity. CC BSR	

APPLICATIONS TO EXTEND PROVISIONAL PERIODS

1. Purpose

- 1.1 To ask the Board to consider applications to extend the provisional periods for provisional premises licences, received during Coronavirus lockdown.

2. Main Report

- 2.1. In terms of section 45(6) of the Licensing (Scotland) Act 2005, a provisional premises licence is granted for a period of four years from the date of issue of the licence. If not confirmed before the end of the provisional period, the licence is revoked, by operation of the Act. Confirmation is obtained upon receipt by the Licensing Board of clear section 50 certificates (Planning, Building Standards and, where necessary, Food Hygiene).
- 2.2. In terms of section 45(7) of the Act, a provisional premises licence holder may apply to the Board before the end of the provisional period, requesting an extension by such further period as the Board considers appropriate.
- 2.3. In granting such an extension, the Board must be satisfied in terms of section 45(8) of the Act that (a) completion of the construction or conversion of the premises to which the licence relates has been delayed and (b) the delay has been caused by factors outwith the premises licence holders' control.
- 2.4 During the Coronavirus lockdown period, a number of applications to extend provisional periods have been received. In the absence of a specific delegation, these applications require to be considered by the Board.
- 2.5 The Coronavirus (Scotland) Act 2020 provides for a six month extension to the provisional period where this is the first such extension and where it is for coronavirus-related reasons. While there are anticipated to be such reasons in each of the attached applications, these are not first-time extensions. The applications therefore require to be considered by the Board in terms of the 2005 Act.

3. Recommendation

- 3.1 In the event that the Board is satisfied with the reasons given, the Board is asked to reach a decision on the duration of any extension of the provisional premises licence in each case.

APPLICATIONS TO EXTEND PROVISIONAL PERIODS

4. Background Papers

4.1 Individual requests attached, for the following:-

- 85-87 South Bridge
- 20-30 Cockburn Street
- Unit 4-5 Raeburn Place
- Unit 6-8 Raeburn Place
- Unit 9 Raeburn Place

Depute Clerk of the Licensing Board

**CONFIRMATION OF BOARD POLICY - EXTENDED HOURS DURING
EDINBURGH FESTIVAL AND FRINGE 2020 PERIOD – COVID19****1. Purpose**

- 1.1 Following cancellation of the Edinburgh Festival and Fringe 2020 as a result of Covid-19, to confirm Board policy for extended hours during that period.

2. Main Report

- 2.1. The Licensing Board's Statement of Licensing Policy confirms the following with regard to extended hours during the annual Festival period:-

“...a 2 (two) hour extension to the usual terminal hour of the premises concerned is regarded as acceptable in the normal course of events. ...Where the operating plan for premises does not indicate an intention to take advantage of extended trading an application for those premises seeking extended hours for the period will have to be made and this will have to set out the specific days and hours when trading is intended...”

- 2.2. The Covid-19 pandemic resulted in the cancellation of the Festival and Fringe events for 2020. To ensure clarity for all, it is considered necessary to confirm that in the absence of these events for 2020, the extended hours period which would normally be agreed by the Board as operating between specific dates, will not apply for this year.
- 2.3. Any decision reached by the Board on this specific period would not prevent licence holders from submitting extended hours applications in the event of a change of circumstances, but any application would then require to be considered on its merits rather than against the backdrop of a policy in favour of grant.
- 2.4. Consideration may require to be given to the Board's extended hours policy for the festive period. A report can be provided to the Board later in the year, taking account of circumstances at the time.
- 2.5. Provided agreement is reached by the Board on the recommendation in this report, details will be published on the Board's website.

3. Recommendation

- 3.1 The Board is asked to agree that the extended hours period which would ordinarily apply for the Festival period will not apply for 2020.

4. Background Papers

- 4.1 Licensing Board Statement of Licensing Policy – paragraph 11.7 – Hours of Trading

Depute Clerk of the Licensing Board

1. Purpose

- 1.1 The Coronavirus (Scotland) Act 2020 (“the 2020 Act”) has extended a number of fixed statutory time limits under the Licensing (Scotland) Act 2005 (“ the 2005 Act”) to allow licence holders who have been unable to meet statutory time limits for a reason related to coronavirus to be treated as having so complied in relation to the submission of applications. In some cases, these time limits can be further extended by the Licensing Board if the Board is also satisfied that the delay is due to corona virus related reasons.
- 1.2 The Board is therefore asked to agree that the existing Scheme of Delegations in relation to the Board’s functions be amended to allow for applications detailed below to be accepted out with statutory limits under delegated powers.

2. Main Report

- 2.1 The Coronavirus (Scotland) Act 2020 has extended various fixed statutory time limits under the 2005 Act to allow Licence holders who have been unable to meet those time limits for a reason related to coronavirus to be treated as having so complied. In some cases, the Board has been given statutory authority to accept applications out with those extended time limits if the Board is also satisfied that the delay is due to coronavirus related reasons.
- 2.2 The Board have already agreed extensions of four months to time limits relating to refresher training for Personal Licence holders and where further time is requested these will be reported to Board.
- 2.3 In addition, the 2020 Act allows the timescale for lodging a transfer application under section 34 (1) of the 2005 Act to be accepted by the Board beyond the statutory 28-day period if the applicant is unable to apply within the period for coronavirus related reasons. It is considered that allowing decisions on such requests to be made under the Board’s Scheme of Delegation will facilitate the application process for transfers and avoid unnecessary delay for applicants if such requests for an application to be lodged late were required to be considered at a Board meeting.
- 2.4 Section 54 of the 2005 Act has been amended by the 2020 Act to allow premises licence holders three months rather than 28 days to submit a variation application substituting a new premises manager where the current premises manager is no longer in situ as a result of any of the events set out at section 54 (4) of the Act. The three month time limit can also be extended and an application accepted by the Board if satisfied that the application could not be made timeously for coronavirus reasons. Again, it is considered that allowing decisions on such requests to be made under the Board’s Scheme of Delegation will facilitate the application process and avoid unnecessary delay for applicants if such requests for an application to be lodged late were required to be considered at a Board meeting.

LICENSING BOARD

3. Recommendation

The Board is asked: -

- (a) to note the details of this report
- (b) to agree to amend the current scheme of delegations to include delegations to both Board Members and the Clerk and his Deputes in relation to: -
 - (i) accepting late applications for transfer under section 34 (1) of the Act where satisfied that the delay is due to coronavirus related reasons; and
 - (ii) accepting late applications for variations under section 54(4) of the Act where satisfied that the delay is due to corona virus related reasons.

4. Background

- 4.1 Licensing (Scotland) Act 2005 sections 34 and 54
- 4.2 Coronavirus (Scotland) Act 2020 Schedule Five, Paragraph 2 (3) and (6)

Morag Leck
Depute Clerk of the Licensing Board