

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

THURSDAY 1st OCTOBER 2020

START TIMES 10.00am and 2.00 pm

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 6th August 2020
3. Applications:-
 - Major variations
 - New provisionals/premises licences
 - Personal licences
 - Occasional licences

Details as set out in separate list
4. Review of premises licence – R10rdan's Sports Bar, 216-218 Easter Road
5. Annual Premises Licence fees – 2020/21 – to follow
6. Extended Hours – Seasonal Variation – Festive season 2020/21

Nick Smith
Clerk of the Licensing Board

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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 (VIDEOCONFERENCE)

THURSDAY 6th AUGUST 2020

Members present: Councillors Norman Work (Convener); Joanna Mowat; Callum Laidlaw; Lezley-Marion Cameron

Apologies: Councillor Derek Howie; David Key; Gillian Gloyer; Nick Cook; Steve Burgess; Cammy Day

Police: Sergeant John Young, Sergeant Marc Copland

Council Officers: Tom Veitch (Acting Regulatory Operations Manager); Nick Fraser and Morag Leck (Depute Clerks)

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 videoconferencing and /or written representations for similar reasons.

2. Minutes of meeting of 18th June 2020

The minutes of the meeting of 18th June 2020 were agreed, subject to confirmation that the police officer accompanying Sergeant Young at that meeting was Chief Inspector Murray Sharkey.

3. Application for variation of existing premises licence – continued from 18th June 2020

The Board considered a major variation application, continued from the meeting of 18th June, for the Duke's Head, 31 Duke Street. The application was granted, after amendment by the agent for the licence holder (removing the part of the application seeking to alter children and young persons' access to the premises).

4. Request for Extension of Provisional Period –

- 57/59 High Street

The Board noted the details of a request for extension of provisional premises licence, for 57/59 High Street, and agreed to extend the provisional period by six months, to 24th February 2021.

5. Review of premises licence – Iona Bar, 203 Easter Road, Edinburgh

The Board considered the terms of a review application submitted by Police Scotland. The Board heard detailed representations from Sergeant Young and from Tom Veitch on the terms of the review application. Alistair Macdonald was present on behalf of the licence holder and the Board heard from Mr Macdonald and also from his client.

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Following consideration of the detailed representations made, the Board agreed to vary the premises licence to remove off sales as an activity from the operating plan.

6. Chief Constable's Annual Report

Sergeant Young referred to the terms of the Chief Constable's report, advising that a senior officer would be able to attend a future Board meeting if this was considered necessary. The Board was interested to get more detail on the terms of the report and also on more recent police work in connection with the coronavirus epidemic and its impact on police licensing work in the Board's area.

It was agreed that consideration of the report would be continued to a later date for a more detailed discussion to take place.

Councillor Norman Work
Convener of the Licensing Board

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – VARIATIONS PREMISES LICENCE APPLICATIONS

1 October 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	423321	Mr David Archibald Seed	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	Dundas Castle, Dundas Estate, South Queensferry	No	No	Yes	09/01/20	To increase licensed area, to add on sales, to add seasonal variations, to add activities, to amend details of activities carried out on the premises, to add Children and Young Persons' access. Historic Castle - 5 star venue with 14 Bedrooms - Off Sales CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – VARIATIONS PREMISES LICENCE APPLICATIONS

1 October 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
2.	424444	Admiral Taverns Picadilly Limited	MacgregorThomson Solicitors Springfield House, Laurehill Business Park, Castle Business Park, Stirling, FK7 9JQ	142 Duke Street, Edinburgh, EH6 8HR	No	No	Yes	06/02/20	Premises situated on edge of Leith Walk, premises consist of one single bar. 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 O x2	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – VARIATIONS PREMISES LICENCE APPLICATIONS

1 October 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	424907	Summerhall Management Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1 Summerhall, Edinburgh, EH9 1PL	No	No	Yes	09/01/20	To increase on-sale hours on Friday and Saturday, to amend layout and increase licensed area. Arts, cultural and entertainment venue and including a bar, cafe and courtyard located in part of a large building near the Meadows. CC LSO BSR O x6	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – VARIATIONS PREMISES LICENCE APPLICATIONS

1 October 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
4.	428534	Pulpo Property Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	394 Morningside Road, Edinburgh, EH10 5HX	No	No	Yes	06/03/20	To add off sales; to increase on sale hours; to add seasonal variations; to add takeaways and deliveries as activities; to amend details of activities carried out on premises; to amend details of Children and Young Persons' access. CC LSO Ox1	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – VARIATIONS PREMISES LICENCE APPLICATIONS

1 October 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
5.	430950	Netherview Limited	MacDonald Licensing 21a Rutland Square, Edinburgh	16 Home Street	No	No	Yes	09/04/20	Commence licensed hours from 11.00 daily; add off-sales; add restaurant facilities; bar meals; receptions and club meetings as activities; allow certain activities to take place outwith core hours and during seasonal variations; include takeaways and deli. CC LSO BSR O x1	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – PROVISIONALS PREMISES LICENCE APPLICATIONS

1 October 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	428028	Ian MacLeod Distillers Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	Land At, East Market Street, Edinburgh	No	No	Yes	05/03/20	Bespoke Distillery and Visitor Centre for Edinburgh Gin. CC x2 LSO BSR	
2.	431008	Skene Scotch Whisky LTD	Mr Stephen McGowan Hobart House, 80 Hanover Street, Edinburgh, EH2 1EL	11 Marischal Place, Edinburgh, EH4 3NF	No	No	Yes	09/04/20	Specialist whisky import/export business and shop CCx2 LSO BSR	
3.	429573	WH Smith Travel Holdings Limited	Ms Alison Smith 140 West George Street, Glasgow, G2 2HG	Main Building, Waverley Station, 4 Waverley Bridge, Edinburgh, EH1 1BB	No	Yes	No	09/04/20	Retail and convenience unit located within Waverley Station concourse. CCx2 LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS – PROVISIONALS PREMISES LICENCE APPLICATIONS

1 October 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
4.	424442	Bleach Please Ltd	Harper Macleod LLP The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE	62 North Castle Street, Edinburgh, EH2 3LU	Yes	No	No	09/04/20	Ground floor retail shop offering hairdressing services. The premises comprise of a hair salon, service counter, rear store and WC. There is an entrance/exit to North Castle Street and a separate emergency exit to the adjacent close. CCx2 LSO BSR Ox1	Application Withdrawn

PERSONAL LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Comments	Decision
1.	420727	Mr Aidan Peter Patrick Kelly		CC	
2.	424369	Mr Mark James Adam		CC	
3.	429691	Mr Dean Clark		CC	

OCCASIONAL LICENCE APPLICATIONS

1st OCTOBER 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	437490 (13/10/20 – 26/10/20)	Mr Mohammed Shabrez Javaid	Macdonald Licensing, Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Cafe Ronaq 31 East Market Street, Edinburgh	No	No	Yes		
2.	437886 (06/10/20 – 19/10/20)	Mr Jaspal Singh Gill	Macdonald Licensing, Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Slumdog 38-39 Elm Row, Edinburgh, EH7 4AH	No	No	Yes		

PREMISES LICENCE REVIEW HEARING – R10RDAN'S SPORTS BAR, 216-218
EASTER ROAD, EDINBURGH

1. Purpose

- 1.1 To advise the Board of the requirement to hold a hearing on a premises licence review application for the premises R10rdan's Sports Bar, 216-218 Easter Road, Edinburgh.
- 1.2 To set out the options available to the Board, if it considers it necessary for the purposes of the licensing objectives to take any action with the premises licence.

2. Main Report

- 2.1. The grounds for review of a premises licence are:-
 - (a) that one or more of the licensing conditions has been breached;
 - (b) that having regard to the licensing objectives the premises licence holder is not a fit and proper person to hold the licence; or
 - (c) any other ground relevant to the licensing objectives:-
 - preventing crime and disorder,
 - securing public safety,
 - preventing public nuisance,
 - protecting and improving public health, and
 - protecting children and young persons from harm.
- 2.2. The Board may reject an application for review if it is considered that it is vexatious or frivolous, or that it fails to disclose matters relevant to the statutory grounds for review. The Board's Statement of Licensing Policy provides that this decision may be taken by the Convener. The details of the application for review of The Iona Bar were forwarded to the Convener for consideration and he agreed that the application should be reported to the Board for a premises licence review hearing.
- 2.3. The application has been submitted by Police Scotland. The premises licence holder is Kast Scotland Limited. The company directors are Paul Kane and Veronica Kane. Paul Kane is the holder of a personal licence issued by the Board. Details of the review application were forwarded to the Council's Licensing Standards Officers and an LSO report will be provided for the Board.
- 2.4. In the meantime Police Scotland have provided an update on the operation of the premises, and this will also be provided for the Board.
- 2.5. In carrying out a review hearing, the Board should hear from the applicant, hear the LSO report and then hear from the Licence holder or their representative in response. At the conclusion of the hearing if the Board is satisfied that it is necessary or appropriate for the purposes of any of the licensing objectives the Board can take any of the following steps:-
 - (a) issue a written warning;
 - (b) make a variation of the licence;
 - (c) suspend the licence for such period as the Board may determine;

PREMISES LICENCE REVIEW HEARING – R10RDAN'S SPORTS BAR, 216-218
EASTER ROAD, EDINBURGH

(d) revoke the licence.

2.6. If in the course of a hearing the Board makes a finding that any personal licence holder who is or was working in the premises has acted in a manner which is considered to be inconsistent with any one or more of the licensing objectives, the Board must hold a hearing on the personal licence. Any such hearing would be scheduled for a later date.

3. Recommendation

3.1 The Board is required:-

- (a) to hold a premises licence review hearing;
- (b) to decide at the conclusion of the hearing what action requires to be taken, having regard to the licensing objectives;

4. Background Papers

- 4.1 Application for review of premises licence, dated 14th August 2020
- 4.2 Update letter from Police Scotland
- 4.3 LSO report

Depute Clerk of the Licensing Board

CONFIRMATION OF BOARD POLICY - EXTENDED HOURS DURING FESTIVE PERIOD 2020/21 – IMPACT OF COVID19 PANDEMIC

1. Purpose

- 1.1 To confirm Board policy for extended hours during the festive period 2020/21, taking account of the Covid19 pandemic.

2. Main Report

- 2.1. The Licensing Board's Statement of Licensing Policy confirms the during the annual festive period that:-

“...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...”

The duration of the festive extended hours period is confirmed in the policy as operating between 18th December and 3rd January, inclusive.

- 2.2. The Covid-19 pandemic resulted in the cancellation of the Festival and Fringe events for 2020. To ensure clarity for all, the Board agreed that it would not set specific dates for the festival extended hours period. The effect of that was that there was no Festival extended hours period for 2020.
- 2.3. As the policy statement already states the dates for the festive extended hours period, the situation is different. The Board can consider disapplying the festive season extended hours period, but to do so would require a supplementary statement of licensing policy to supersede the existing policy on extended hours. In order to do that, the Board would have to carry out a consultation, albeit with the ability for this to be to a limited extent.
- 2.4. Separately, licensing hours have been affected by Regulations issued in connection with the Covid19 pandemic, in particular the 2200 curfew for on sales. This would continue to override policy on extended hours in the event the curfew was still in place during the festive season.
- 2.5. The Board is asked to note the position in the meantime, on the basis that an update can be provided at the Board meeting scheduled for 30th October 2020.

3. Recommendation

- 3.1 The Board is asked to note the terms of its policy on seasonal extended hours for the festive period 2020/21, the impact of Covid19 Regulations on licensed hours and to consider whether a further report may be required on this matter.

CONFIRMATION OF BOARD POLICY - EXTENDED HOURS DURING
FESTIVE PERIOD 2020/21 – IMPACT OF COVID19 PANDEMIC

4. Background Papers

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

Depute Clerk of the Licensing Board