

#### **NOTICE OF MEETING**

### **MONDAY 25th JANUARY 2021**

Start time: 9.30am

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 17<sup>th</sup> December 2020
- 3. Applications

Major variations New provisionals/premises licences

Details as set out in separate list

- 4. Requests for Extension of Provisional Period
  - 49 Forrest Road
  - 55-57 High Street
  - 42 St Stephen Street

Nick Smith Clerk of the Licensing Board



### Licensing Board membership:

Councillor Steve Burgess
Councillor Lezley Marion Cameron
Councillor Cammy Day
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**

### THURSDAY 17th DECEMBER 2020

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

**Apologies: Councillor Cammy Day** 

Police: Sergeant Marc Copland; Chief Inspector Murray Starkey (item 3)

Council Officers: Tom Veitch (Acting Regulatory Operations Manager); Colin McCulloch (Senior Building Standards Surveyor); Nick Fraser (Depute Clerk)

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

#### 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 in terms of section 133 of the Act that hearings would proceed by videoconferencing for similar reasons.

2. Minutes of meeting of 26<sup>th</sup> November 2020

The minutes of the meeting of 26<sup>th</sup> November 2020 were approved.

3. Chief Constable's annual report – 2019/20

Chief Inspector Murray Starkey presented the terms of the Chief Constable's annual report for the period 2019/20. Board members gave detailed consideration to the terms of the report, asking for clarification on a number of points. In the course of discussions it was agreed it would be beneficial for the Board to receive a general briefing from Chief Inspector Starkey on work done by the police during the coronavirus period and this would be set up in the new year.

#### 4. Applications:-

Major variations New provisionals/premises licences

Decisions as set out in separate list

5. Review of premises licence – St Vincent Bar, 11 St Vincent Street, Edinburgh

The Board held a premises licence review hearing, during which it heard from the applicant, Police Scotland along with the details of an LSO report. The Board



heard from the licence holder's agent Alistair Macdonald and from the licence holder.

After careful consideration of the representations made in the course of the hearing, the Board agreed to issue the premises licence holder with a warning.

Noting representations made in the course of the hearing about members of the public gathering on the steps at St Stephens Church, the Board agreed to ask the Council to consider possible options for dealing with this.

### **6.** Arrangements for future meetings – 2021-22

The Board noted the dates proposed for the latter half of 2021 and first half of 2022 and agreed meetings would continue to be held on the last Monday of the month (excepting December 2021), with a 9.30am start time. Details would be published online once the Council had agreed the terms of the full Council diary, for the following dates:-

- 27<sup>th</sup> September 2021
- 25<sup>th</sup> October 2021
- 29<sup>th</sup> November 2021
- 31<sup>st</sup> January 2022
- 28<sup>th</sup> February 2022
- 28<sup>th</sup> March 2022
- 25<sup>th</sup> April 2022
- 27<sup>th</sup> June 2022

#### 7. Licensing Board annual functions report – 2019-20

The Board noted the details of the functions report for the period 2019-20. Information had also been provided by the Council's Licensing Service regarding the work which had been carried out during coronavirus lockdown.

In the course of discussion about the statistical information on applications considered by the Board during 2019-20 it was agreed this should be checked, having regard to information contained in the police report considered earlier in the meeting.

# **DECISION LIST – 17 DECEMBER 2020**

# APPLICATIONS FOR TRANSFER AND VARIATION OF PREMISES LICENCE

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	437142	Miss Faiza Zaffar	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	44 Niddrie Mill Drive, Edinburgh, EH15 3EW	No	Yes		activities, allow certain activities out with core hours and	GRANTED (including transfer) Delivery of alcohol to be with food only

# **DECISION LIST – 17 DECEMBER 2020**

# **APPLICATIONS FOR VARIATION OF PREMISES LICENCE**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	438814	Partnership of Mr Edmondo Ferri & Pearl Ferri	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	1 Antigua Street, Edinburgh, EH1 3NH	No	No	Yes	off sales, deliveries and takeaways as	Terminal hour of 0100 for Young Persons, including during Seasonal Variations GRANTED
2.	438821	BFS Group Limited	DLA Piper UK LImited 1 St Paul's Place, Sheffield, S1 2JX	1 Claylands Road, Newbridge, EH28 8LF	No	Yes	No	who hold an account with	GRANTED  music condition – no audible nuisance

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	437140	Tailend Restaurants Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	14-15 Albert Place, Edinburgh, EH7 5HN	No	No	Yes	Increase on sales, add off sales, seasonal variations, deliveries (including alcohol) and takeaways as activities, to amend the amplified music condition.  CC LSO Ox1	Application amended to remove seasonal variations  GRANTED  Takeaway and Delivery of alcohol to be with food only  Premises licence holder address to be updated
4.	435482	Majestic Wine Warehouses Limited	Poppleston Allen Solicitors 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS	34 Buckstone Terrace, Edinburgh, EH10 6QB	No	Yes	No	Increase Capacity CC BSR	GRANTED Capacity of 370 linear metres

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	432224	Mr Arslan Sohail	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	39-41 North Junction Street, Edinburgh, EH6 6HR	No	Yes	No	Increase capacity and substitute new layout plan.  CC LSO BSR Ox1	GRANTED Capacity of 28.69

6.	433689	First Coast Limited	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	97-101 Dalry Road, Edinburgh, EH11 2AB	No	No	Yes	on sale hours; add off sales, bar meals, live	Deliveries to cease at 2400hrs  Takeaway and Delivery of
								charity events, tastings, deliveries and takeaways as activities; allow	alcohol to be with food only  Live performances to only be permitted during core hours
								details of other activities; amend details to children and	GRANTED  Terminal hour of 23:00 for children (unless attending a private function) and
								young persons' access; update premises manager details.	O100 for Young Persons  Description amended to remove "with on sales only"
								CC LSO	

# APPLICATIONS FOR PROVISIONAL PREMISES LICENCE

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	432258	Company Shop Limited	Mr Michael McDougall 140 West George Street, Glasgow, G2 2HG	15 Dumbryden Road, Edinburgh, EH14 2AB	No	Yes		style store used for members and	Amended layout plan submitted by agent  Capacity of 32.25  music condition – no audible nuisance
2.	438811	Elliott's Cafe Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	21 Sciennes Road, Edinburgh, EH9 1NX	No	No		CCx2 LSO BSR	Application amended to remove seasonal variations  music condition – no audible nuisance  GRANTED  Capacity of 15 persons

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	431110	Argyle Place Cafe Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	25-28 Argyle Place, Edinburgh, EH9 1JJ	No	No		Café with ancillary retail facility located on the ground and lower ground floor of a building in Argyle Place, close to the Meadows, Edinburgh  CCx2 LSO BSR Ox2	GRANTED  Capacity of 80  music condition – no audible nuisance
4.	438808	HFFD Management Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	47-49 Duke Street, Edinburgh, EH6 8HH	No	No		Small restaurant located on ground floor & basement of property o Duke Street, Edinburgh  CCx2 LSO BSR	Capacity of 20 GRANTED music condition – no audible nuisance

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	438812	Jamrock Jerk Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	7 St Patrick Street, Edinburgh, EH8 9HB	No	No	Yes	Small takeaway/ restaurant located on the ground floor of building on St Patrick Street, Edinburgh.  CCx2 LSO BSR	Outdoor drinking terminal hour of 2200hrs GRANTED music condition – no audible nuisance Capacity of 15 Deliveries to cease at 2400hrs
6.	437917	Mr Peter Jackson	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	7a Mortonhall Gate, Edinburgh, EH16 6TJ	No	Yes	No	Farm Shop forming part of Mortonhall Garden Centre, but self- contained. Located on Mortonhall Gate, just off Frogston Road East. CCx2 LSO BSR	Application amended to remove tastings  Capacity of 15.6 linear metres  GRANTED  music condition – no audible nuisance

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	431109	Corstorphine Cafe Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	88 St John's Road, Edinburgh, EH12 8AT	No No	No No	Yes	premises located on the ground floor of a building on St John's Road Corstorphine, Edinburgh.  CCx2 LSO BSR	Application amended to confirm terminal hour of 0100hrs for Young Persons during seasonal variations  Capacity of 30  GRANTED  music condition – no audible nuisance

# **APPLICATION FOR NEW PREMISES LICENCE**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	431128	NGS Trading Company Limited	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	40b West Shore Road, Edinburgh, EH5 1QD	No	Yes	No		Capacity: N/A (no public access) GRANTED

# THE CITY OF EDINBURGH LICENSING BOARD LICENSING (SCOTLAND) ACT 2005 Continued Variation of PREMISES LICENCE APPLICATIONS

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	430950	Netherview Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	16 Home Street, Edinburgh, EH3 9LY	Yes	No	No	Commence licensed hours from 11:00 hrs 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/deliv eries, remove adult entertainment, allow access for children, amend Description  CC LSO BSR Ox1	

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	438861	Safestay (Edinburgh) Hostels Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	50 Blackfriars Street, Edinburgh, EH1 1NE	No	No		To allow for use of the outside area prior to commencement of licensed hours by customers, perhaps for breakfast or a snack. Include outside areas belonging to the Hostel, ie courtyard & roof terrace, for the consumption of food and drink; add a temporary bar. Change of manager  CC BSR	

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	438848	Merchants Catering Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	17 Merchant Street, Edinburgh, EH1 2QD	No	No	Yes	Amend commencement hour on Sundays to 11:00 hrs; Include TV Sport, Takeaways/Deliv eries and Collections as additional activities; Permit access for children under 5 if accompanied by an adult CC LSO	
3.	438853	Caledonian Heritable Ltd	Ms Nyssa Barron 4 Hope Street, Edinburgh, EH2 4DB	19 Blair Street, Edinburgh, EH1 1QR	No	No	Yes	Increase on sale and off sale hours. CC LSO	
4.	438892	Buzz Holdings Ltd	Eversheds Sutherland LLP 70 Great Bridgewater Street, Manchester, M1 5ES	2 Moray Park, Edinburgh, EH7 5TS	Yes	No	No	Increase terminal hour to 00:00 Daily; include live performances and dance facilities during core hours; allow for restaurant facilities outwith core hours  CC LSO	

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	438962	WM Morrison Supermarkets Plc	Gosschalks Queens Gardens, Hull, HUI 3DZ	4 Piersfield Terrace, Edinburgh, EH8 7BQ	No	Yes	No	To amend details of other activities carried out on premises and remove reference to the store being open from only 6am midnight.	
6.	438996	WM Morrison Supermarket PLC	Gosschalks Queens Gardens, Hull, HUI 3DZ	30 New Swanston, Edinburgh, EH10 7JA	No	Yes	No	To amend details of other activities carried out on premises and remove reference to the store being open from only 6am-midnight.	
7.	438960	P + J Swanson T/A "a Firm"	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	32 North Junction Street, Edinburgh, EH6 6HP	No	No	Yes	To amend on sale hours on a Friday to 08:00-00:00.  CC LSO	

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
8.	439139	Netherview Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Gf1, 3 Dublin Street, Edinburgh, EH1 3PG	No	No		To substitute a new layout plan, to increase licensed footprint (including outdoor area) and to change licence holder address.  LSO BSR Ox5	
9.	438865	Las Delicias Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	47 Great Junction Street, Edinburgh, EH6 5HX	No	Yes		Include deliveries and takeaways as an additional activity, which may include alcohol.	

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
10.	438810	Ting Thai Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	55 Lothian Road, Edinburgh, EH1 2DJ	Yes	No	No	Increase on sale hours, add off sales, add deliveries as an activity and amend details to children access to premises.  CC LSO Ox1	
11.	438807	Twaproperty Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	11 Lochrin Terrace, Edinburgh, EH3 9QJ	Yes	No	No	Increase on sales hours, add off sales, seasonal variations, deliveries and takeaways as activities, allow certain activities outwith core hours and change home address of premises manager.  CC LSO Ox1	

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
12.	437928	JJCC Limited	Ms Caroline Loudon Gf, 80 Hanover Street, Edinburgh, EH2 1EL	83 Hanover Street, Edinburgh, EH2 1EE	Yes	No	No	Add off sales, increase on sales, and bar meals as an activity, allow certain activities outwith core hours and add statement - Licensed point of dispatch for internet sales, click and collect and general retail.  CC LSO	
13.	437932	JJCC Limited	Ms Caroline Loudon Gf, 80 Hanover Street, Edinburgh, EH2 1EL	99 Hanover Street, Edinburgh, EH2 1DJ	No	No	Yes	Add off sales and statement - Licensed point of dispatch for internet sales, click and collect and general retail.  CC LSO	

# 25 January 2021

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
14.	438838	Iceland Foods Limited	Mr Niall Hassard 140 West George Street, Glasgow, G2 2HG	40-42 Piersfield Terrace, Edinburgh, EH8 7BJ	No	Yes		Amend description; internal reconfiguration resulting in increase in alcohol display area; allow for picking and distribution of online orders; amend details of activities allowed outwith core hours.  CC BSR	

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	438998	Motor Fuel Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	1 Stenhouse Road, Edinburgh, EH11 3LW	No	Yes	No	The premises are located on Stenhouse Road, Edinburgh. The premises trade on a 24 hour basis as a general convenience store adjacent to petrol/derv filling station forecourt. The site has car parking separate from the fuel pumps. The petrol/derv filling station forecourt area is not part of the area to be licensed. The premises offer substantial general convenience separate from, and supplementary to, the offer of petrol/derv.  CCx2 LSO BSR	

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	439003	Motor Fuel Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	109 Queensferry Road, Edinburgh, EH4 3HL	No	Yes	No	The premises trade on a 24 hour basis as a general convenience store adjacent to petrol/derv filling station forecourt. The site has car parking separate from the fuel pumps. The petrol/derv filling station forecourt area is not part of the area to be licensed. The premises offer substantial general convenience separate from, and supplementary to, the offer of petrol/derv.  CCx2 LSO BSR	

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	441735	St Andrew Square (Property) Limited	Mr Niall Hassard 140 West George Street, Glasgow, G2 2HG	21 West Register Street, Edinburgh, EH2 2AA	No	No	Yes	Bar restaurant in mainly commercial area forming part of a significant redevelopment project  CCx2 LSO BSR	
4.	438895	Mr Kenneth Cameron	MacgregorThom son Solicitiors Springfield House, Laurelhill Business Park, Castle Business Park, Stirling, FK7 9JQ	305 Leith Walk, Edinburgh, EH6 8SA	No	No	Yes	Cafe/Deli situated on ground and basement floors of a 4 storey building  CCx2 LSO BSR Ox1	



#### APPLICATIONS TO EXTEND PROVISIONAL PERIOD

### 1. Purpose

1.1 To ask the Board to consider applications to extend the provisional period for a provisional premises licences.

### 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 The Coronavirus (Scotland) Act 2020 amends the 2005 Act by providing for a six month extension to the provisional period where this is the first such extension and where it is for coronavirus-related reasons.

#### 3. Recommendation

3.1 In the event 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.



#### APPLICATIONS TO EXTEND PROVISIONAL PERIOD

### 4. Background Papers

- 4.1 49 Forrest Road provisional granted January 2017, due to expire January 2021. First time request for extension, otherwise due to expire 31st January 2021
- 4.2 55-57 High Street provisional granted August 2015, due to expire August 2019 when Board agreed 1 year extension. Further extended August 2020 by 6 months. Due to expire 28th Febuary 2021
- 4.3 42 St Stephen Street provisional granted May 2016, due to expire May 2020. Board agreed extension on 30<sup>th</sup> April 2020, now due to expire 28<sup>th</sup> February 2021

**Depute Clerk of the Licensing Board**