

# ◆ EDINBURGH ◆

LICENSING BOARD

## NOTICE OF MEETING

MONDAY 29<sup>th</sup> MARCH 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 22<sup>nd</sup> February 2021
3. Applications - details as set out in separate list
4. Request for Extension of Provisional Period – 41-42 St Andrew Square

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 Cammy Day	Councillor Callum Laidlaw
Councillor Gillian Gloyer	Councillor Joanna Mowat
	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

MONDAY 22<sup>nd</sup> FEBRUARY 2021

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

**Apologies: Councillors Derek Howie; David Key**

**Police: Sergeant Marc Copland**

**Council Officers: Tom Veitch (Acting Regulatory Operations Manager); Colin McCulloch (Senior Building Standards Surveyor); Nick Fraser (Depute Clerk); Morag Leck (Depute Clerk) – item 5**

### 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 25<sup>th</sup> January 2021

The minutes of the meeting of 25<sup>th</sup> January 2021 were approved.

### 3. Applications

Major variations

New provisionals/premises licences

Occasional licences - referrals

Decisions as set out in separate list

### 4. Requests for Extension of Provisional Period

The Board noted a request for extension of the provisional period for the premises Ola Kala, 202 Morrison Street. Noting this was a first extension request for the premises, the Board agreed a one year extension.

### 5. Alcohol Focus Scotland – Invitation to join Training Steering Group

Morag Leck advised the Board an invitation had been received from Alcohol Focus Scotland for a Board member to join a Training Steering Group which had been set up to examine national training requirements for board members and LSOs.

Subsequent to the meeting, Councillor Cameron agreed to be the Board's representative on the Steering Group.

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

DECISION LIST – 22 February 2021

**APPLICATIONS FOR VARIATION OF PREMISES LICENCE (CONTINUED FROM 25 JANUARY 2021)**

**22 February 2021**

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	Yes	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	Application amended, confirming removal of reference to outside bar  GRANTED  0900 commencement for coffees, teas, etc  No outdoor drinking beyond 2200  Balcony maximum capacity 60

APPLICATIONS FOR VARIATION OF PREMISES LICENCE – 22 FEBRUARY 2021

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	438850	City Clubs (Edinburgh) Ltd	TLT LLP 140 West George Street, Glasgow, G2 2HG	15 Niddry Street, Edinburgh, EH1 1LG	Yes	No	No	Amend commencement hour to 11:00 hrs daily; include club meetings, Theatre, films and TV sport as activities. Amend access for children to include throughout the Festival  CC LSO	Application amended to clarify provisions on children & young persons' access during (1) underage discos and (2) Festival events  GRANTED

**22 February 2021**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	440216	Keithney Lothian Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	19 Colinton Road, Edinburgh, EH10 5DP	No	No	Yes	To increase on sales, add off sales, seasonal variations, takeaway/collections and deliveries as activities, allow certain activities outwith core hours, amend details to children and young persons access to premises, amend details of premises manager and delete current condition on amplified music and vocals and replace it with new condition.  CC LSO	Application amended to remove reference to change of music condition  Licence holder agreeing no takeaways beyond 0000 hours  GRANTED

**22 February 2021**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	439029	J&M Cameron Properties Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	37-39 Cowgate, Edinburgh, EH1 1JR	No	No	Yes	Amend commencement hour to 11:00 hrs daily; include off sales; include outside drinking; include former carpark within licensed footprint and allow for a temporary bar/servery at times. Allow members of the public /non residents to have access, amend rules for children  CC LSO BSR Ox2	Application amended to confirm children and young persons' access only until 2200 in outdoor drinking area  GRANTED  Use of outdoor drinking area for customers to be seated only  Capacity of outdoor drinking area restricted to 40  On a division  (Cllr Work, 2nded by Cllr Burgess – refuse  Cllr Laidlaw, 2nded by Cllr Gloyer – grant)  Majority decision to grant

**22 February 2021**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	439008	Sweetdram Limited	Mr Niall Hassard 140 West George Street, Glasgow, G2 2HG	54 Bankhead Crossway South, Edinburgh, EH11 4EP	No	No	Yes	Increase on sale and off sale hours, add conference facilities, receptions, club meetings, recorded music, live performances, dance facilities, theatre and films as activities, allow certain activities outwith core hours, allow children and young persons access to the premises, increase licenced footprint to incorporate tastings and demonstrations and approve internal reconfiguration.  CC LSO BSR	CONTINUED (at agent's request)



**22 February 2021**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	442802	Mr Vito Alongi	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	9 Elm Row, Edinburgh, EH7 4AA	No	No	Yes	To commence Sunday hours from 11am, add seasonal variations and outdoor drinking as activities and substitute an amended Layout Plan showing outside area.  CC LSO	Application amended to confirm children until 2300, young persons until 0100  GRANTED  No outdoor drinking beyond 2200

22 February 2021

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	439037	Loudons Limited	Loudons Limited 11 Newlandrig, Gorebridge, Midlothian, EH23 4NS	94b Fountainbridge, Edinburgh, EH3 9QA	No	No	Yes	Amend commencement hour on Sundays to 11:00 hrs; allow for outdoor drinking facilities to be used prior to core hours for teas, coffees breakfasts etc, will not be used after 22:00 hrs; include food and drink delivery service; Educational events; Take away and Board games as activities  CC LSO Ox1	GRANTED  Alcohol delivery to be with provision of food

APPLICATIONS FOR PROVISIONAL PREMISES LICENCE – 22 FEBRUARY 2021

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	431107	161 Noodle Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	161 Dundee Street, Edinburgh, EH11 1BY	No	No	Yes	Restaurant located on ground floor of a tenement building on Dundee Street, Edinburgh.  CCx2 LSO BSR	CONTINUED – agent's request – until May 2021
2.	442918	At Pizza (RM) Limited	Mr Niall Hassard 140 West George Street, Glasgow, G2 2HG	188 High Street, Edinburgh, EH1 1QS	No	No	Yes	Pizza restaurant and takeaway in mainly commercial area  CCx2 LSO BSR	GRANTED  Children until 2300, Young persons until 0100  Music condition - No audible nuisance  No outdoor drinking beyond 2200  Capacity 74
3.	439010	Argyle Place Properties Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	21 Argyle Place, Edinburgh, EH9 1JJ	No	No	Yes	Small restaurant located on the ground floor of a tenement on Argyle Place in the Marchmont area. CCx2 LSO BSR	GRANTED  Music condition – no audible nuisance  Capacity - 15

**22 February 2021**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	440194	Mr Aydin Dogan	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	215-217 Portobello High Street, Edinburgh, EH15 1EU	No	No	Yes	Cafe/Takeaway located in a single storey building on Portobello High Street, Edinburgh.  CCx2 LSO BSR	GRANTED  Music condition – no audible nuisance  Capacity - 20
5.	438840	Ariston Foods Limited	Mr Eleftherios Amourgianos 23 Bread Street, Edinburgh, EH3 9AL	23 Bread Street, Edinburgh, EH3 9AL	No	Yes	No	Bakery-cafe with a small deli area.  CCx2 LSO BSR	GRANTED  Capacity – 1.2m display  Condition – alcohol products to be of Greek origin
6.	440163	Mr Muhammad Talha Tariq	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	33 Great Junction Street, Edinburgh, EH6 5HX	No	Yes	No	Shop premises located on the ground floor of a tenement on Great Junction Street  CCx2 LSO BSR	GRANTED  Music condition – no audible nuisance  Capacity – 25.5m display

**22 February 2021**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	440854	Axcel Hospitality (Edinburgh) Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	46 Torphichen Street, Edinburgh, EH3 8JB	No	No	Yes	The premises are hotel property located at 2 Dewar Place Torphichen Street, Edinburgh. The premises comprise of ground floor with public areas, reception and offices, restaurant and bar servery areas and public toilets. The premises have 150 accommodation bedrooms located over the 8 upper floors.  CCx2 LSO BSR	GRANTED  Music condition – no audible nuisance  Capacity – 410 (bedrooms 300, ground floor area 110)

**22 February 2021**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
8.	439031	Leboeuf Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	6 Queensferry Street, Edinburgh, EH2 4PA	No	No	Yes	Restaurant/Takeaway located on ground floor and basement (basement inaccessible to the public) of a property in Queensferry street, in the West End of Edinburgh  CCx2 LSO BSR	GRANTED  Children – 2300, young persons – 0100  Music condition – no audible nuisance  Capacity - 24

**22 February 2021**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
9.	442917	Motor Fuel Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	77 Ferry Road, Edinburgh, EH6 4AQ	No	Yes	No	Located on Ferry Road the premises trade on a 24 hour basis as a general convenience store adjacent to petrol/derv filling station forecourt. There is car parking separate from the fuel pumps. The petrol/derv filling station forecourt 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 Ox1	GRANTED  Music condition – no audible nuisance  Capacity – 16.45m display

**22 February 2021**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
10.	442813	Aldi Stores Ltd	Mr Michael McDougall 140 West George Street, Glasgow, G2 2HG	Hermiston Gait Retail Park, 31 Cultins Road, Edinburgh, EH11 4DF	No	Yes	No	Purpose built supermarket with car parking.  CCx2 LSO BSR	GRANTED  Music condition – no audible nuisance  Capacity – 95.18m display
11.	441918	Ben Vrackie Limited	Mr Niall Hassard 140 West George Street, Glasgow, G2 2HG	Unit 4 Swanfield Industrial Estate, EH6 5RX	No	Yes	No	Premises for storage and dispatch of alcohol with ancillary retail in an industrial Estate  CCx2 LSO BSR	GRANTED  Music condition – no audible nuisance  Capacity – 39m display
12.	439891	Romaine Calm Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Unit 9, 37 Roseburn Street, Edinburgh, EH12 5PE	No	Yes	No	Lock up commercial unit in small industrial estate on Roseburn Street  CCx2 LSO BSR	APPLICATION WITHDRAWN



**NEW PREMISES LICENCE APPLICATION – 22 FEBRUARY 2021**

No	Ref.	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	440241	Baxter Storey Ltd	DSW Group Hammonds Green Farm, Hammonds Green, Framfield, East Sussex, TN22 5QH	50 South Gyle Crescent, Edinburgh, EH12 9LD	No	Yes	No	The premises are a locked store room on the ground floor of the premises in which alcohol will be stored. This will be provided by Baxter Storey on request to the building occupiers to facilitate fine dining and client hospitality. The premises will not be open to the general public.  CCx2 LSO BSR	GRANTED

**OCCASIONAL LICENCE APPLICATIONS – 22 FEBRUARY 2021**

<b>Ref.</b>	<b>Applicant</b>	<b>Agent</b>	<b>Premises</b>	<b>On sale</b>	<b>Off sale</b>	<b>Decision</b>
442652	Mario Campanile	TLT LLP	36 Seafield Road	no	yes	GRANTED
443269	Jaspal Singh	Macdonald Licensing	38-39 Elm Row	yes	yes	GRANTED
443359	At Pizza Ltd	TLT LLP	188 High Street	yes	yes	GRANTED

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

**29 March 2021**

<b>No</b>	<b>Ref</b>	<b>Applicant</b>	<b>Agent</b>	<b>Premises</b>	<b>On sale</b>	<b>Off sale</b>	<b>On &amp; Off sale</b>	<b>Details</b>
1.	442919	Bross Bagels Ltd	Macdonald Licensing	177 Portobello High Street Edinburgh	No	No	Yes	Cafe/Delicatessen located on ground floor of Tenement building on Portobello High Street, with outside area
2.	440170	Ditilaxis Ltd	Macdonald Licensing	6 Earlston Place Edinburgh	No	Yes	No	Small convenience store located on ground floor of a building on Earlston Place Edinburgh
3.	432141	Independent Wine Ltd	Ms Janet Hood	12 Miller Row Edinburgh	No	Yes	No	Premises comprise a distribution point for wines, spirits and other alcohols. The premises are situated in an industrial unit in Miller Row, Edinburgh. The premises will not be a retail unit, all sales will be by internet and telephone sales Product may be delivered to local customers by makers or via postal or other delivery service with occasional collection permitted from the site.

## APPLICATION TO EXTEND PROVISIONAL PERIOD

### 1. Purpose

- 1.1 To ask the Board to consider an application to extend the provisional period for a provisional premises licence, 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. The attached request is a first-time extension request, for a provisional premises licence due to expire on 24<sup>th</sup> April 2021.

### 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, noting this is a first-time request.

### 4. Background Papers

- 4.1 Extension request – 41-42 St Andrew Square, Edinburgh

**Depute Clerk of the Licensing Board**