

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

MONDAY 25th JULY 2022

Start time: 9.30am

LOCATION: DEAN OF GUILD ROOM

AGENDA

NOTE – It is intended Item 1 below will be webcast and considered between 9.30-10.30am. The remainder of the meeting will not be webcast.

1. Report – Arrangements for Consultation – Preparation of Policy Statement
2. Minutes and decision list – 27th June 2022
3. Applications - details as set out in separate list
4. Report – Extensions of Provisional period
5. Report – Review Hearings – Premises Licence Annual Fees
6. Report – Review Hearing – Boozy Beaver, 13a-14 Melville Place

Nick Smith
Clerk of the Licensing Board

◆ EDINBURGH ◆

LICENSING BOARD

Licensing Board membership:

Councillor Chas Booth	Councillor David Key
Councillor Lezley Marion Cameron	Councillor Jason Rust (Vice-Convener)
Councillor Pauline Flannery	Councillor Norman Work
Councillor Catherine Fullerton	Councillor Louise Young (Convener)
Councillor Margaret Graham	

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>

REPORT

STATEMENT OF LICENSING POLICY AND ASSESSMENT OF OVERPROVISION – ARRANGEMENTS FOR CONSULTATION

1. Purpose

- 1.1 To advise the Board of the requirement to prepare a Statement of Licensing Policy, to include an assessment of overprovision;
- 1.2 To set out general information on the Board's duties in connection with the preparation of policy and assessment of overprovision;
- 1.3 To initiate discussion on how the Board will consult in meeting these duties.

2. Preparation of Statement of Licensing Policy

- 2.1. The Board has a duty to publish a statement of licensing policy, setting out how it will exercise its functions during the period the policy is in place. The Board must have a new policy statement in place at the conclusion of 18 months after the most recent council elections, i.e. by 6 November 2023. In the meantime the policy statement agreed by the previous Board remains in effect.
- 2.2. The policy statement provides specific detail on the backdrop against which the Board considers applications, carries out its functions as the relevant licensing authority and ensures the promotion of the licensing objectives. The policy statement also contains an assessment of overprovision in the Board's area and this is set out in more detail at section 3 below.
- 2.3. More detail will be provided for the Board for consideration at future meetings, to assist its consideration of areas of policy upon which it may wish to consult. Detail will also be provided about how the Board might proceed with assessing overprovision.

Consultation

- 2.4. At this initial stage, this report sets out the general context of the Board's duties regarding policymaking and assessment of overprovision, but also sets out in some detail how the Board might carry out a consultation on these matters.
- 2.5. The Board must ensure when preparing its policy it consults at minimum with the following:-
 - The Licensing Forum
 - The Health Board
 - Such other persons as the Board thinks appropriate
- 2.6. There is currently no Forum in place for the Edinburgh area, although it is expected to be appointed by the Council in the next few months.

REPORT

STATEMENT OF LICENSING POLICY AND ASSESSMENT OF OVERPROVISION – ARRANGEMENTS FOR CONSULTATION

In the meantime the Board can consult with such persons and organisations as it considers necessary to represent the Forum, the membership of which would normally consist of:-

- Licensing Standards Officer
- Health Board representative
- Trade representation – premises and personal licence holders
- Police
- Persons having functions relating to health, education or social work
- Young people
- Persons resident in the area

2.7. It is open to the Board to consult more widely and this report is provided as an opportunity for the Board to begin discussing how it wishes to consult, in preparing its new policy statement.

2.8. Previously, the policy statement was prepared following on from an informal consultation on its existing terms and including matters which the previous Board considered it wanted to hear views on. That Board was then able to revise the policy, take account of comments from consultees and carry out a further consultation on the revised version.

2.9. The benefit of a two stage consultation is that it can encourage participation by interested parties in the overall consultation process, and can take place over a longer period of time, as necessary. A number of methods can be used to ensure a sufficiently wide consultation, including use of the Consultation Hub, circulation of details to consultees directly and online.

2.10. In addition to inviting responses from consultees on the policy, there would be sufficient time available if the Board wished to do so, for hearings to be held on specific policy topics if the Board was of the view that this was necessary to explore responses in more detail.

2.11. Consideration can be given to setting out a timescale for review of the policy and a further report can be provided to the Board on this in due course.

3. Assessment of overprovision

3.1. In preparing its new policy statement the Board also has a duty to carry out an overprovision assessment, setting out the extent to which it considers there to be overprovision of (a) licensed premises or (b) licensed premises of a particular description, in any locality within the Board's area. The details of the Board's current overprovision assessment are set out in chapter 9 of the existing policy statement.

REPORT

STATEMENT OF LICENSING POLICY AND ASSESSMENT OF OVERPROVISION – ARRANGEMENTS FOR CONSULTATION

3.2. To meet its duty to consult on preparing an overprovision assessment, the Board must consult:-

- The Chief Constable
- The Health Board
- Such persons as the Board considers representative of:-
 - Holders of premises licences in the locality
 - Persons resident in the locality
- Such other persons as the Board thinks fit

3.3. Any assessment of overprovision can only proceed once the Board has obtained information on existing licensed premises in its area. It is likely to take some time to compile this information, to assist in identifying localities which the Board considers may present characteristics of overprovision. The Board would then be able to consult formally on any such localities.

4. Recommendation

4.1 It is recommended the Board:-

- (a) Considers its duties to prepare a statement of licensing policy to include an assessment of overprovision;
- (b) Carries out an initial discussion on how it might consult with interested parties in order to commence preparation of the new policy.

5. Background

5.1 [Statement of Licensing Policy](#)

5.2 Licensing (Scotland) Act 2005 [section 6 \(policy statements\)](#) and [section 7 \(overprovision\)](#)

Depute Clerk of the Licensing Board

◆ EDINBURGH ◆

LICENSING BOARD

MINUTES OF MEETING

MONDAY 27th JUNE 2022

Members present: Councillors Chas Booth; Lezley Marion Cameron; Pauline Flannery; Margaret Graham; Jason Rust; Norman Work; Louise Young

Police: Sergeant Marc Copland

Council Officers: Tom Veitch (Regulatory Team Leader); Colin McCulloch (Senior Building Standards Surveyor); Morag Leck (Depute Clerk)

1. Appointment of Convener

The Board agreed to appoint Councillor Louise Young as Convener.

2. Appointment of Vice-Convener

The Board agreed to appoint Councillor Jason Rust as Vice-Convener.

3. Minutes and decision list – 25th April 2022

The minutes and decision list for the meeting of 25th April 2022 were noted and agreed.

4. Applications - details as set out in separate list

The Board considered applications for variation of existing premises licences and new provisional premises licences all as set out in the appended draft decision list.

5. Report – Extension of Provisional period

The request for extension of provisional period was withdrawn prior to the Board meeting.

6. Report - Premises Licence Annual Fees

The Depute Clerk presented a report to the Board advising of the details of premises where annual fees due for the 2020/21 and 2021/22 periods were outstanding. She advised that non-payment of annual fees was a breach of licensing conditions, and the Board agreed that premises licence review hearings would be scheduled for future meetings.

7. Confirmation of Meeting dates 2022/23 -

<https://www.edinburgh.gov.uk/downloads/file/28630/licensing-board-rules-and-meeting-schedule>

The Board was reminded of the details of meeting dates which had been agreed by the previous Board and which had been entered into the Council's calendar.

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 PREMISES LICENCE APPLICATIONS

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	470109	D M Stewart Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	1 Haymarket, Edinburgh, EH12 5EY	No	No	Yes	Amend Q5 further details enabling premises to open from 8am and permit activities outwith core hours.	GRANTED

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	469400	Co-operative Group Food Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	126-130 Raeburn Place, Edinburgh, EH4 1HG	No	Yes	No	Amend the box at Q5(f) to read: The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005. CC LSO BSR	GRANTED Capacity confirmed as 74.78 linear metres

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	469229	BP Oil UK Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	2 Middle Norton, Edinburgh, EH28 8NA	No	Yes	No	Vary capacity from 8 sq.m to 24 linear metres. Small change to non-public display of alcohol CC BSR	GRANTED Capacity of 23.85 linear metres
4.	469155	BP Oil UK Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	23 Canonmills, Edinburgh, EH3 5HA	No	Yes	No	Increase off sales capacity; amendment of layout plan CC LSO BSR	GRANTED Capacity of 23.40 linear metres

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	469833	Smith & Gertrude Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	254 Portobello High Street, Edinburgh, EH15 2AT	Yes	No	No	Add off sales and off sales capacity; Amend commencement hour on Sunday to 11am; Add seasonal variations; Q5 Allow during and out with core hours the following – Bar meals; receptions; club/group meetings; recorded music; live performances; and outdoor drinking; Amend further information box; Q5 (f) Add other activities; Amend Children and Young Persons terms and times of entry; Amend description CC LSO	Operating plan amended to state children are not permitted at or immediately next to any bar counter GRANTED Outdoor drinking terminal hour of 2200hrs Amplified music condition – no audible nuisance

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	469871	Waitrose Limited	Brunton Miller Solicitors 22 Herbert Street, Glasgow, G20 6NB	38 Comely Bank, Edinburgh, EH4 1AG	No	Yes	No	To increase capacity to 489.4 linear meters. No change to the physical layout of the store nor to the display area of alcohol within the premises. This application is to rectify a calculation error which resulted in decreased capacity following upon a Minor Variation Application recently. BSR	GRANTED Capacity of 489.40 linear metres

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	469922	Maitland Bowling Club	Morton Fraser LLP 2 Lister Square, Edinburgh, EH3 9GL	96 Main Street, Edinburgh, EH4 5AB	No	No	Yes	1. To permit seasonal variations to allow opening of premises on Hogmanay 2. Wording relating to Outdoor Drinking Facilities in 5 to read "Non- alcoholic beverages may be consumed on the outdoor drinking areas as defined when Bowls or pétanque are being played prior to core hours" 3. Inclusion of pétanque rink as external area 4. Removal of words "off sale" in refence to drinking area in legend to plan 5. Change of premises description CC LSO	GRANTED Outdoor drinking terminal hour of 2200hrs

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	469269	Moda Life Management Limited	Brunton Miller Solicitors 22 Herbert Street, Glasgow, G20 6NB	6 Mcewan Walk, Fountainbridge, Edinburgh	Yes	No	No	The premises comprise a residential accommodation block with communal amenity areas available to the occupiers and owners of the property for private use and for commercial use for pre-booked events and functions including the hire of said amenity areas by said owners and occupiers to third parties. CCx2 LSO BSR Ox1	APPLICATON PART-HEARD Objection withdrawn CONTINUED to July 2022 Board to allow for site visit Amended layout plan to be submitted

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	469270	Moda Life Management Limited	Brunton Miller Solicitors 22 Herbert Street, Glasgow, G20 6NB	Flat 1, 2 Drysdale Gait, Fountainbridge, Edinburgh, EH3 8FQ	Yes	No	No	The premises comprise a residential accommodation block with communal amenity areas available to the occupiers and owners of the property for private use and for commercial use for pre-booked events and functions including the hire of said amenity areas by said owners and occupiers to third parties. CCx2 LSO BSR Ox1	APPLICATON PART-HEARD Objection withdrawn CONTINUED to July 2022 Board to allow for site visit Amended layout plan to be submitted

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	470483	Locavore Community Interest Company	Brunton Miller Herbert House, 22 Herbert Street, Glasgow, G20 6NB	118-126 Dalry Road, Dalry, Edinburgh, EH11 2EZ	No	No	Yes	Organic Supermarket and Café CCx2 LSO BSR	Operating plan amended to include:- Sunday commencement of 1100 for on sales Terminal hr of 2300hrs for Children (or 0100 when attending a private function & accompanied by an adult) and 0100 for Young Persons, including during seasonal variations GRANTED Amplified music condition – no audible nuisance Capacity of 40 Outdoor drinking terminal hour of 2200hrs

2.	470447	Mr Torben Bryan Hutchings	Mr Torben Bryan Hutchings	140 Balgreen Road, Saughtonhall, Edinburgh, EH12 5XQ	No	Yes	No	Storage unit within self-storage facility, comprising the front half of a sub-divided container, with double doors at front and a fixed metal partition at the back (middle of container). Shelves for products on left and right sides, packaging and handling space in centre. CCx2 BSR	GRANTED Capacity N/A – no public access Location plan to be submitted
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THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	470391	QH Edinburgh Ltd	ADW Licensing 24 Canning Street, Edinburgh, EH3 8EG	167-171 Dundee Street, Edinburgh, EH11 1BY	No	No	Yes	Korean and Chinese Restaurant on ground floor of tenement on busy main thoroughfare in a mainly residential area. CCx2 LSO BSR Ox2	Operating plan amended to note :- terminal hr of 2300 for children and Young Persons remove deliveries of alcohol GRANTED Capacity of 40 Amplified music condition – no audible nuisance
4.	469058	Whisky International Online Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	20 Spylaw Street, Edinburgh, EH13 0JX	No	Yes	No	Ground floor office premises located in Spylaw Street, Edinburgh. CCx2 LSO BSR	GRANTED Amplified music condition – no audible nuisance Capacity – N/A (no public access)

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	464578	Mezcal Edinburgh Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	3 Shandwick Place, Edinburgh, EH2 4RG	No	No	Yes	Mexican Diner located in a terraced building in New Town, Edinburgh. CCx2 LSO BSR Ox1	CONTINUED to July 2022 Board at agent's request
6.	469325	Edinburgh Hotel Services Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	71 Hanover Street, Edinburgh, EH2 1EE	Yes	No	No	Serviced Apartments with cafe/lounge area, located over five floors on Hanover Street, Edinburgh CCx2 LSO BSR	GRANTED Amplified music condition – no audible nuisance Capacity of 24 within accommodation plus 6 within external area Outdoor drinking terminal hour of 2200hrs Layout plan to be amended to account for toilet provision requirements

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

27 June 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	471052	Duncan Retail Ltd	Mr David Duncan	127-129 Comiston Road, Cluny, Edinburgh, EH10 6AQ	No	Yes	No	<p>Edinburgh News is situated in the affluent, Morningside area of Edinburgh. We're situated in a row of shops comprising: laundrette, bistro, hairdressers, florist, plumber, nursing agency and an outgoing wine merchant. Edinburgh News is operated across a single floor property with private living above the afore mentioned businesses. Edinburgh News has recently undergone a refit under the Keystore facia which has changed the profile of the store from a traditional newsagents to a modern convenience store. We now sell a wide range of groceries alongside soft drinks, crisps, confectionery, bakery, chilled foods, greetings cards and we're also a national lottery retailer.</p> <p>CCx2 LSO BSR</p>	<p>Written submission received</p> <p>CONTINUED to July 2022 Board to allow for applicant to be present</p>

Applications called for 10:30

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	472233	RJ Fuels LTD	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	128 Restalrig Road, Edinburgh	No	Yes	No	Transfer application; To amend premises description; to increase off sales capacity; to amend layout plan; to change designated premises manager. CCx2 LSO	
2.	470573	Mr Zeeshan Asif	GNE Consultancy Limited 47 Wallace Brae Drive, Reddingmuirhea d, Falkirk, FK2 0FB	7 Marischal Place, Edinburgh, EH4 3NE	No	Yes	No	Transfer application, Change of DPM, increase capacity; amend wording in 5(f), amend layout plan CCx2 LSO BSR	

Applications called for 10:30

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	464315	Summerhall Management Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	1 Summerhall, Edinburgh, EH9 1PL	No	No	Yes	To increase capacity, to substitute layout plan to include additional areas, to add new plan for the basement, change of premises manager CC LSO BSR Ox3	
2.	458149	Makro Self Service Wholesalers Limited	DWF LLP 5 St Paul's Square, Old Hall Street, Liverpool, L3 9AE	50 Bankhead Avenue, Edinburgh, EH11 4EA	No	Yes	No	Increase capacity to 329 linear metres CC LSO	

Applications called for 10:30

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	472542	The Liquid Room Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	9c Victoria Street, Edinburgh, EH1 2HE	Yes	No	No	To amend the use of the lower gallery and lower basement floor; to add televised sport, conference facilities and receptions as activities; Live performances could include club nights, live music, cabaret and live performances, including during the Fringe; Amend Q5(g) to provide that music may exceed 85dB; to increase capacity to 1126; to amend layout plan CC LSO Ox1	

Applications called for 10:30

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	470658	UOE Accommodation Limited	Shepherd & Wedderburn 5th Floor, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL	Masson House, Pollock Halls Of Residence, 18 Holyrood Park Road, Edinburgh, EH16 5BE	No	No	Yes	1. To extend the terminal hour each day from 11pm until 1am; 2. To include off sales hours 10am until 10pm each day; 3. To include seasonal variations to this Premises Licence; 4. To include dispense bar as an activity in the Operating Plan at 5 (f), this is being relocated from the dining room to lounge; and 5. To amend the Children and Young Persons wording to remove reference to concierge service. 6. On the Ground Floor East Wing there are minor layout changes and the addition of an outside area. 7. To amend the name of the premises to "The Scholar" deleting reference to Masson House. 8. To amend description to "Three Storey Hotel". CC LSO	

Applications called for 11:00

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	471621	UOE Accommodation Limited	Shepherd & Wedderburn 5th Floor, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL	Salisbury Green, Pollock Halls Of Reside, 18 Holyrood Park Road, Edinburgh, EH16 5AZ	No	No	Yes	1. To include outdoor drinking as an activity at Q5; 2. To include dispense bar as an activity at Q5(f); 3. To amend the Children and Young Persons access wording; 4. Layout changes on the ground floor 5. To amend the name of the premises to "The Scott" deleting reference to Salisbury Green; 6. To amend description to "Four Floor Hotel". CC LSO	

Applications called for 11:00

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	464578	Mezcal Edinburgh Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	3 Shandwick Place, Edinburgh, EH2 4RG	No	No	Yes	Mexican Diner located in a terraced building in New Town, Edinburgh. CC LSO BSR O x1	

Applications called for 11:00

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	469269	Moda Life Management Limited	Brunton Miller Solicitors 22 Herbert Street, Glasgow, G20 6NB	6 Mcewan Walk, Fountainbridge, Edinburgh	Yes	No	No	The premises comprise a residential accommodation block with communal amenity areas available to the occupiers and owners of the property for private use and for commercial use for pre-booked events and functions including the hire of said amenity areas by said owners and occupiers to third parties. CCx2 LSO BSR	

Applications called for 11:00

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	469270	Moda Life Management Limited	Brunton Miller Solicitors 22 Herbert Street, Glasgow, G20 6NB	Flat 1, 2 Drysdale Gait, Fountainbridge, Edinburgh, EH3 8FQ	Yes	No	No	The premises comprise a residential accommodation block with communal amenity areas available to the occupiers and owners of the property for private use and for commercial use for pre-booked events and functions including the hire of said amenity areas by said owners and occupiers to third parties. CCx2 LSO BSR	

Applications called for 11:00

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	471431	A Crolla & Son Catering Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	119 Lothian Road, Edinburgh, EH3 9AN	No	No	Yes	Restaurant with takeaway facility premises located on the ground floor of a building on Lothian Road, including an outside area. CCx2 LSO BSR Ox5	

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

25 July 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	471052	Duncan Retail Ltd	Mr David Duncan 11 Dukehaugh, Peebles, EH45 9DN	127-129 Comiston Road, Cluny, Edinburgh, EH10 6AQ	No	Yes	No	Edinburgh News is situated in the affluent, Morningside area of Edinburgh. We're situated in a row of shops comprising: laundrette, bistro, hairdressers, florist, plumber, nursing agency and an outgoing wine merchant. Edinburgh News is operated across a single floor property with private living above the afore mentioned businesses. Edinburgh News has recently undergone a refit under the Keystore facia which has changed the profile of the store from a traditional newsagents to a modern convenience store. We now sell a wide range of groceries alongside soft drinks, crisps, confectionery, bakery, chilled foods, greetings cards and we're also a national lottery retailer. CCx2 LSO BSR	

**Applications
called for 11:00**

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
PERSONAL LICENCE APPLICATIONS
25 July 2022

New Applications

No	Reference	Applicant	Agent Details	Comments	Decision
1.	473286	Mr Jason Rogers		CC	
2.	473560	Mr Adam Frederic Pender		CC	
3.	474739	Mr Dillon Laing		CC	

APPLICATIONS TO EXTEND PROVISIONAL PERIOD

1. Purpose

- 1.1 To ask the Board to consider applications to extend the provisional period for 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. Details are provision below of premises where the provisional premises licences are reaching expiry. In each case requests have been made to the Board for the provisional period to be extended. .
- 2.5. The agents for the licence holders have, in each case, provided information to support the licence holders' requests for extension and this will be supplied to the Board along with this report.

3. Recommendation

- 3.1 In the event the Board is satisfied with the reasons given, the Board is asked in each case 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 Extension request – 17 Salamander Street (expiry date 27 August 2022).
- 4.2 Extension request – 104 George Street (expiry date 28th July 2022).

Depute Clerk of the Licensing Board

PREMISES LICENCE REVIEW HEARINGS – NON-PAYMENT OF ANNUAL PREMISES LICENCE FEES – 2020/21 AND 2021/22

1. Purpose

- 1.1 To provide details of premises where annual fees for the periods 2020/21 and 2021/22 remain outstanding.
- 1.2 To ask the Board, having already agreed to make review proposals in each case, to hold review hearings and decide in each case what action requires to be taken.

2. Main Report

- 2.1. Premises licence holders are required to make payment of annual fees on or around 1st October every year, in terms of the Licensing (Fees) (Scotland) Regulations 2007. The fees are paid in advance of the following year.
- 2.2. Non-payment of fees constitutes a breach of the mandatory conditions of licence, which in turn constitutes a ground for review of a premises licence. Premises licence holders have been invoiced and written to on a number of occasions, to advise them of the requirement for their outstanding fees to be paid. The Council's LSOs have issued premises licence holders with Compliance Notices, requiring compliance with the mandatory conditions of licence, i.e. payment of the fees.
- 2.3. The Board was advised of the premises details at its meeting on 27th June 2022 and agreed it was necessary to schedule review hearings for premises where fees remained outstanding. The details appended to this report represent the first batch of review proposals, where licence holders still require to pay fees due for 2020/21 (due from October 2020) and 2021/22 (due from October 2021).
- 2.4. If satisfied that it is necessary for the purposes of the licensing objectives to do so, at the conclusion of a review hearing the Board may:-
 - Issue a written warning to the licence holder
 - Vary the premises licence
 - Suspend the premises licence for such period as the Board may determine
 - Revoke the premises licence
- 2.5. The LSOs have provided individual reports for each of the premises for which fees remain outstanding, and have set out information to assist the Board in dealing with each review.

3. Recommendation

- 3.1 The Board is asked:-

PREMISES LICENCE REVIEW HEARINGS – NON-PAYMENT OF ANNUAL
PREMISES LICENCE FEES – 2020/21 AND 2021/22

- (a) To hold review hearings for each of the premises where annual fees remain outstanding;
- (b) To decide what action requires to be taken in each case, having regard to the licensing objectives.

4. Background Papers

- 4.1 Premises with details of outstanding annual licence fees – 2020/21 and 2021/22.

Depute Clerk of the Licensing Board

	Licence Holder Name	Address of Premises	Outstanding Fee Amount
1	China Red Catering Limited	6 New Market Road, Edinburgh EH14 1RJ	£500
2	Gopal Choudhary	3 Upper Grove Place, Edinburgh EH3 8AY	£220
3	Mohammed Nasir Chaudhery	132 Gorgie Road, Edinburgh EH11 2NS	£220
4	Donald Boon Beng Koh	159-161 Morrison Street, Edinburgh EH3 8AG	£220
5	China Town Restaurant Limited	3 Atholl Place, Edinburgh EH3 8HP	£500
6	Ascenza Crolla	38 George Street, Edinburgh EH2 2LE	£500
7	Paolo Crolla	10 Clifton Terrace, Edinburgh EH12 5DR	£280
8	GRE (Scotland) Ltd	100 Lindsay Road, Edinburgh EH6 4TZ	£700
9	Haar Group Limited	50-54 Henderson Street, Edinburgh EH6 6DE	£280
10	Universal Coba Corporation Limited	150 Commercial Street, Edinburgh EH6 6LB	£280
11	Ivor Ryndycz	64 Jane Street, Edinburgh EH6 5HG	£220
12	The Campervan Brewery Limited	112 Jane Street, Edinburgh EH6 5HG	£280
13	From Italy to Scotland (Leith) Ltd	43 Assembly Street, Edinburgh EH6 7BQ	£280
14	MELCO Restaurants Limited	Unit 54, Ocean Terminal, 98 Ocean Drive, Edinburgh EH6 6JJ	£500
15	Morrison & Gibb Social Club	3a Huntly Street, Edinburgh EH3 5HB	£180
16	Leith Ex-Service Mens Club	7 Smith's Place, Edinburgh EH6 8NT	£280
17	Morrisons Property (Dundee) Limited	Ratho Park Hotel, 1a Dalmahoy, Edinburgh EH27 8EG	£500
18	Zoombox Ltd	1f, 30 Frederick Street, Edinburgh EH2 2JR	£500
19	Thistle Stop Cafe Limited	2 James' Court, Edinburgh EH1 2PB	£280
20	House of Fraser Limited	47-52 Princes Street, Edinburgh EH2 2DF	£900
21	Prezzo Limited	7-9 North Bridge, Edinburgh EH1 1SB	£900
22	Loch Ness Coffee Company Ltd	2-6 Spottiswoode Road, Edinburgh EH9 1BQ	£500

23	Partnership of Joysree Deb & Birenda Kum Deb	28-30 West Preston Street, Edinburgh EH8 9PZ	£280
24	Partnership of Isabelle Hamilton and Angelo Pontone	90 Hanover Street, Edinburgh EH2 1EL	£500
25	Chi Yiu Chan	28 Deanhaugh Street, Edinburgh EH4 1LY	£280
26	Ghost Gastro Ltd	8 Lister Square, Edinburgh EH3 9GL	£500
27	Mohammed Kashif Imran	62 Lochend Road South, Edinburgh EH7 6DE	£220
28	Navim Varma	9 Royal Terrace, Edinburgh EH7 5AB	£280
29	Newcraighall Miners Welfare	85-87 Whitehill Street, Newcraighall EH21 8QY	£180
30	Mr Terence Noel Magill	77 Promenade, Edinburgh EH15 2EL	£280
31	Stravale Ltd	24-26 The Shore, Edinburgh EH6 6QN	£500

REPORT – PREMISES LICENCE REVIEW HEARING – 13A-14 MELVILLE PLACE, 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 13A – 14 Melville Place, 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 considered not to be a fit and proper person to hold the licence; or
 - (c) any other ground relevant to one or more of the five licensing objectives, namely:-
 - preventing crime and disorder,
 - securing public safety,
 - preventing public nuisance,
 - protecting children and young persons from harm,
 - protecting and improving public health.
- 2.2 An application for review may be rejected by the Board if it fails to disclose matters relevant to the grounds for review or if it is considered vexatious or frivolous. This decision is delegated to the Convener. Having considered the terms of the review application the Convener has agreed it should be referred to the Board for a hearing.
- 2.3 The application has been submitted by the Council's LSOs. The licence holder is City Builds (Edinburgh) Limited, to whom a copy of the application was sent on 4th July 2022.
- 2.4 The hearing will proceed on the basis Board members will have the application before them. The Board should hear from the LSOs on the terms of the application and then from the licence holder and/or their agent. At the conclusion of the hearing the Board should decide whether it is necessary for the purposes of the licensing objectives to take any action with the premises licence. In the event it is considered necessary, the following options are available:-
 - issue a written warning,
 - vary the premises licence,
 - suspend the licence for such period as the Board determines,
 - revoke the licence.
- 2.5 The application does not specifically request a personal licence review hearing, but if the Board considers this necessary during the course

REPORT – PREMISES LICENCE REVIEW HEARING – 13A-14 MELVILLE PLACE, EDINBURGH

of the premises licence review hearing, this would require to be scheduled at a later date.

- 2.6 The director of the premises licence holder company City Builds (Edinburgh) Limited is Elaine McManus. Her agent Niall Hassard contacted the depute clerks to advise Ms McManus had been called for jury duty on the date of the Board meeting. In the event that she is unable to attend it is suggested the review hearing be continued to a later date.

3. Recommendation

- 3.1 The Board is recommended –

- (a) to consider the request for continuation of the review hearing;
- (b) in the event the premises licence holder is able to attend, hold a premises licence review hearing;
- (c) decide at the conclusion of the hearing whether it is necessary for the licensing objectives to take any action with the premises licence.

Depute Clerk of the Licensing Board