

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

MONDAY 26th SEPTEMBER 2022

Start time: 9.30am

LOCATION: DEAN OF GUILD ROOM

AGENDA

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

1. Report – Commencement of Initial Consultation – Statement of Licensing Policy and Overprovision Assessment
2. Minutes and decision list – 29th August 2022
3. Applications - details as set out in separate list
4. Update Report from LSOs – Merlin Bar, 168-172 Morningside Road
5. Report – Personal Licence referral – Leith McKenzie
6. Report – Review Hearing – Spey Lounge, 39 Leith Walk
7. Report – Review Hearings – Premises Licence Annual Fees
8. Update – status of amendments to Licensing (Scotland) Act 2005 during coronavirus pandemic

Nick Smith
Clerk of the Licensing Board

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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>

MINUTES OF MEETING

MONDAY 29th AUGUST 2022

Board members present: Councillors Louise Young (Convener); Jason Rust (Vice-convener); Lezley Marion Cameron; Pauline Flannery
Board members present via Teams: Councillors Norman Work; Chas Booth; David Key

Apologies: Councillors Catherine Fullerton; Margaret Graham

Police: Sergeant Marc Copland

Council Officers: Veronica McMillan (Regulatory Team Leader); Tom Veitch (Regulatory Operations Manager); Colin McCulloch (Senior Building Standards Surveyor); Nick Fraser (Depute Clerk), Morag Leck (Depute Clerk)

In its consideration of items 1 and 2 below, the Board deliberations were broadcast using the Council's webcast system. A link to that part of the meeting is included [here](#).

1. Report – Arrangements for Initial Consultation – Preparation of Policy Statement and Overprovision Assessment

The Depute Clerk narrated the terms of a report advising of the steps to be taken to commence the Board's consultation on its statement of licensing policy and overprovision assessment ("the policy"). It was confirmed this was the beginning of a process which would conclude in 2023 and the Board was advised of an indicative timeline, with a suggested end date in August 2023.

It was suggested to the Board the initial, informal consultation could proceed on the basis of the existing policy, inviting comments from as wide a range of potential consultees as possible. The Board was asked to consider arrangements for the communication of the consultation, to encourage consultee participation. It was agreed to make use of the online Consultation Hub, and that a short digest of the policy should be prepared, to be capable of circulation by email and social media.

The Board agreed to note the indicative timeline, acknowledging this could be subject to change. The Board also agreed the first consultation on the existing policy should commence on 26th September, the date of the next Board meeting.

The Board discussed arrangements for the initial consultation and agreed the policy should be consulted upon having regard to the five licensing objectives and this should remain a primary focus. In addition to circulating a digest of the policy, a number of specific policy topics could be highlighted to encourage participation in the process. These included:-

- Overprovision
- Licensing hours
- Extension of licensed hours

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

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- Children and young persons' access to licensed premises
- Temporary licensing – occasional licences

These and any other specific topics would be subject to any further consideration the Board might make at its September meeting before the consultation went live.

2. Minutes and decision list – 25th July 2022

The minutes of the meeting of 25th July 2022 and associated decision list were approved by the Board.

For noting – there is an additional document to be incorporated with the minutes of 25th July 2022 relating to premises licence reviews for outstanding annual fees. This is provided as an appendix to these minutes for inclusion with the minutes of 25th July 2022.

3. Applications - details as set out in separate list

The applications considered by the Board at its August meeting are set out in a separate decision list, to be appended to these minutes.

4. Occasional Licence application – premises at Albert Dock – Referral from Convener

The Convener advised she had exercised her delegated power in terms of the policy to refer an application for occasional licence to the Board for consideration. The referral had been made because of the unusual nature of the application (the MV Victoria, berthed at Albert Dock), and taking account of representations made by statutory consultees.

The applicant was represented by Janet Hood who provided the Board with a detailed account of the application and reasons for it being made. Following consideration of the representations made the Board agreed to grant the application, agreeing that future applications could be considered via the Board's scheme of delegation unless there were specific reasons for a further referral.

5. Report – Extension of Provisional Premises Licence

The Board agreed to a request to extend the provisional premises licence for 16 Buckstone Terrace, with a new expiry date of 29 April 2023.

6. Report – Review Hearings – Premises Licence Annual Fees

The Board noted the terms of a report setting out options for dealing with premises licences where annual fees remained outstanding. Veronica Macmillan provided details of the premises, the level of fees outstanding in each case and the recommendation from the LSOs based on whether or not the premises continued to operate as to what action the Board might consider.

Details of the premises considered and the decisions made by the Board in each case are to be appended to these minutes.

7. Report – Review Hearing – Boozy Beaver, 13a-14 Melville Place

The Board was advised of the terms of a premises licence review application submitted by the Council's LSOs. Veronica Macmillan narrated the details of the application, advising it had been submitted following the issuing of a compliance notice. This had been served on the premises on the basis of breach of the licensing condition requiring control of amplified music and vocals on the premises.

The Board noted Niall Hassard was in attendance on behalf of a director of the premises licence holder, Elaine McManus. Mr Hassard gave a detailed account of the steps taken and continuing to be taken by the licence holder to address the terms of the LSO report.

The Board considered the terms of the review application in detail and the representations made. Noting the history of complaints made about amplified music at the premises the Board considered it was necessary to:-

- Issue the premises licence holder with a written warning
- Vary the licence to add a condition to ensure that live performances on the premises could only be transmitted using the premises' sound system
- Vary the licence to add a condition there would be no amplified live performances on the premises beyond 2300

The Board noted an undertaking given on the premises licence holder's behalf that there would be no amplified live music performed at the premises until level sets had been carried out, other than for the purposes of conducting the level sets.

The Board noted the LSOs had suggested the Board consider taking action with the personal licence held by the premises manager, Richard Leckie. Councillor Booth, seconded by Councillor Work moved that no action should be taken. Councillor Rust, seconded by Councillor Young moved that it would be appropriate to endorse Mr Leckie's licence. Following a division, the Board agreed to take no action.

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Premises Licence Review Hearings – annual fees – Board meeting of 25th July 2022

	Licence Holder Name	Address of Premises	Outstanding Fee Amount
1	China Red Catering Limited	6 New Market Road, Edinburgh EH14 1RJ	£500 Suspended till 29 August '22
2	Gopal Choudhary	3 Upper Grove Place, Edinburgh EH3 8AY	£220 Revoked
3	Mohammed Nasir Chaudhery	132 Gorgie Road, Edinburgh EH11 2NS	£220 Revoked
4	Donald Boon Beng Koh	159-161 Morrison Street, Edinburgh EH3 8AG	£220 Revoked
5	China Town Restaurant Limited	3 Atholl Place, Edinburgh EH3 8HP	£500 No action
6	Ascenza Crolla	38 George Street, Edinburgh EH2 2LE	£500 Suspended till 29 August '22
7	Paolo Crolla	10 Clifton Terrace, Edinburgh EH12 5DR	£280 Revoked (LHO deceased – licence ceased to have effect)
8	GRE (Scotland) Ltd	100 Lindsay Road, Edinburgh EH6 4TZ	£700 Continued to August Board
9	Wynd Group Limited	50-54 Henderson Street, Edinburgh EH6 6DE	£280 PAID 25/7/2022 No action
10	Universal Cobra Corporation Limited	150 Commercial Street, Edinburgh EH6 6LB	£280 Suspended till 29 August '22
11	Ivor Ryndycz	64 Jane Street, Edinburgh EH6 5HG	£220 Revoked
12	The Campervan Brewery Limited	112 Jane Street, Edinburgh EH6 5HG	£280 PAID 22/7/2022 No action
13	From Italy to Scotland (Leith) Ltd	43 Assembly Street, Edinburgh EH6 7BQ	£280 Revoked
14	MELCO Restaurants Limited	Unit 54, Ocean Terminal, 98 Ocean Drive, Edinburgh EH6 6JJ	£500 No action (transfer – new invoice needs issued)
15	Morrison & Gibb Social Club	3a Huntly Street, Edinburgh EH3 5HB	£180 Revoked
16	Leith Ex-Service Mens Club	7 Smith's Place, Edinburgh EH6 8NT	£280 Revoked
17	Morrisons Property (Dundee) Limited	Ratho Park Hotel, 1a Dalmahoy, Edinburgh EH27 8EG	£500 Continued to August Board
18	Zoombox Ltd	1f, 30 Frederick Street, Edinburgh EH2 2JR	£500 Revoked
19	Thistle Stop Cafe Limited	2 James' Court, Edinburgh EH1 2PB	£280 PAID 22/7/2022 No action

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

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20	House of Fraser Limited	47-52 Princes Street, Edinburgh EH2 2DF	£900 Revoked
21	Prezzo Limited	7-9 North Bridge, Edinburgh EH1 1SB	£900 Suspended till 29 August '22
22	Loch Ness Coffee Company Ltd	2-6 Spottiswoode Road, Edinburgh EH9 1BQ	£500 Suspended till 29 August '22
23	Partnership of Joysree Deb & Birenda Kum Deb	28-30 West Preston Street, Edinburgh EH8 9PZ	£280 Continued to August Board
24	Partnership of Isabelle Hamilton and Angelo Pontone	90 Hanover Street, Edinburgh EH2 1EL	£500 Revoked
25	Chi Yiu Chan	28 Deanhaugh Street, Edinburgh EH4 1LY	£280 Revoked
26	Ghost Gastro Ltd – Now Thistle Property Holdings Company Limited	8 Lister Square, Edinburgh EH3 9GL	£500 - New Invoice Required to be sent out to new licence holder No action
27	Mohammed Kashif Imran	62 Lochend Road South, Edinburgh EH7 6DE	£220 Revoked
28	Navim Varma	9 Royal Terrace, Edinburgh EH7 5AB	£280 Revoked
29	Newcraighall Miners Welfare	85-87 Whitehill Street, Newcraighall EH21 8QY	£180 Suspended till 29 August '22
30	Mr Terence Noel Magill	77 Promenade, Edinburgh EH15 2EL	£280 No action – licence surrendered
31	Stravale Ltd	24-26 The Shore, Edinburgh EH6 6QN	£500 – PAID 22/07/2022 No action

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Premises Licence Review Hearings – annual fees – Board meeting of 29th August 2022

	Licence Holder Name	Address of Premises	Outstanding Fee Amount	Outcome
1	China Red Catering Limited	6 New Market Road, Edinburgh EH14 1RJ	£500 - Licence was suspended by July Board and fees remain unpaid – recommending revocation of licence.	Revoked
2	Mezcal Edinburgh Limited	70-72 Rose Street North Lane, Edinburgh EH2 3DX	£280 – recommending revocation of licence	Write to licence holder as they have another licenced premises, asking them to settle outstanding licence fees.
3	Emin Bayanbas	259-261 St John's Road, Edinburgh EH12 7XD	£280 paid 12:01 29/08/2022	No action
4	Djaleel Gali	29 West Maitland Street, Edinburgh EH12 5DX	£280 – recommending suspension of licence	Suspension 1 month
5	Ettore Investment Limited	1-2 Yardheads Edinburgh EH6 6BU	£280 – recommending revocation of licence	Revoked
6	Farhat Ahmed	124a – 126 Ferry Road, Edinburgh EH6 4PG	£220 – recommending revocation of licence	Revoked
7	M&M (Edinburgh) Limited	100a Constitution Street, Edinburgh EH6 6AW	£280 – paid 28/08/2022 before the Board meeting	No action
8	Lindsay John McArthur	49-51 Eyre Place, Edinburgh EH3 5EY	£280 – recommending revocation of licence	Revoked
9	Wortheasy Ltd	31 Drum Street, Edinburgh EH17 8RQ	£280 – recommending revocation of licence	Revoked
10	EKS Earth Limited	16 Drummond Street, Edinburgh EH8 9TX	£280 – recommending revocation of licence	Revoked
11	Lee on Tollcross Limited	4 -5 Bruntsfield Place, Edinburgh EH10 4HN	£280 – recommending revocation of licence	Suspension for 1 month
12	Zhiyuan Dong	86 South Clerk Street,	£280 paid	No Action

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

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		Edinburgh EH8 9PT	29/09/2022	
13	Sylvesters (Edinburgh) Limited	55 West Nicolson Street, Edinburgh EH8 9DB	£280 – recommending revocation of licence	Revoked
14	Natania Gallo	169-173 Gilmore Place, Edinburgh EH3 9PW	£280 – recommending revocation of licence	Revoked
15	Jaffar Ali	63 Home Street, Edinburgh EH3 9JP	£280 – paid £560 28/08/2022	No action
16	Hendersons Holyrood Ltd	67 Holyrood Road, Edinburgh EH8 8AU	£280 – recommending revocation of licence	Revoked
17	Azzurri Restaurants Limited	2 Union Path, Edinburgh EH3 9QD	£500 – recommending revocation of licence	Revoked
18	Stuart Blyth	50 Moredunvale Road, Edinburgh EH17 7RZ	£440 paid for two years outstanding 28/08/2022	No action
19	Meditera Ltd	158 Dalkeith Road, Edinburgh EH16 5DX	Paid 22/08/2022 – showing on PPSL	No action
20	N T Fox Limited	2 Dundas Street, Edinburgh EH3 6HZ	£280 – paid 26/08/2022	No action
21	Mohammad Zubair Hussain	10-12 Craigleith Road, Edinburgh EH4 2DP	£280 paid 18 July 2022 but did not inform the LSOs.	No action
22	Mark Galloway	29-33 Dublin Street, Edinburgh EH3 6NL	£500 – paid 28/08/2022	No action
23	6DN Ltd	24-24a Howe Street, Edinburgh EH3 6TG	£280 – recommending revocation of licence	Suspend for 1 month
24	Charlotte Louise Thompson	1 North West Circus Place, Edinburgh EH3 6ST	£280 – recommending suspension of licence	Cont for 1 month
25	Partnership of Chris Grierson & Jon Anderson	1-3 York Place, Edinburgh EH1 3EB	£280 – paid 24/08/2022	No action
26	Poon Lin Yip	10d Bath Street, Edinburgh EH15 1EY	£280 – paid 26 August 2022	No action
27	Henderson's of Edinburgh	92 Hanover Street, Edinburgh EH2 1DR	£280 – recommending revocation of licence	Revoked.
28	Broughton Properties Limited	96 Hanover Street, Edinburgh EH2 1DR	£220 – paid 29/08/2022	No action

ITEM 3

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

29 August 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	To amend premises description; to increase off sales capacity; to amend layout plan; to change designated premises manager. CC LSO	GRANTED AH confirmed operating plan had been sent after last Board

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	468505	Buzz Holdings Ltd	Poppleston Allen Solicitors 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS	2 Moray Park, Edinburgh, EH7 5TS	Yes	No	No	To amend the Operating Plan to add Comedy Nights into the additional activities (Question 5(f)). To extend the hours for sale of alcohol on the premises Friday and Saturday 1100 to 0100 the following morning. CC LSO Ox4 Mr A. Ortiz Ms K. Chisholm Mr L. Finn Ms A. Graham	GRANTED UNDERTAKING NOTED FROM LICENCE HOLDER THAT TERMINAL HOUR OF 1a.m. FRI/SAT TO BE USED ONLY ON FOUR OCCASIONS PER YEAR FOR COMEDY EVENTS

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	471425	Mr Umberto Crolla	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	11 Drumsheugh Place, Edinburgh, EH3 7PT	No	No	Yes	Increase the capacity to 40 Commence on and off sales from 11am on Sunday Add Recorded Music, Outdoor Drinking Facilities Add that premises may open from 8am but no alcohol will be sold before the commencement of licensed hours Amend wording of access for Children and Young Persons Substitute new layout plan reflecting changes made Remove reference to dedicated takeaway area CC LSO BSR	GRANTED No audible nuisance music condition Capacity 40

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	472644	Mr Adnan Majeed	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	326 Morningside Road, Morningside, Edinburgh, EH10 4QJ	No	Yes	No	1. Increase alcohol display area to 52.8 linear metres 2. Add recorded music, takeaway and deliveries as activities 3. Add that the shop may open from 7am for the sale of goods and services other than alcohol 4. Substitute new layout plan CC LSO	GRANTED No audible nuisance music condition

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	473304	EH1 Ltd	TLT LLP 140 West George Street, Glasgow, G2 2HG	18 Corstorphine Road, Edinburgh, EH12 6HN	No	No	Yes	At Q5(f) add that the premises may utilise the outdoor area with temporary structures with an uplifted capacity for local community events and events related to Murrayfield Stadium a maximum of 21 days per calendar year. - At Q7 add special event capacity max 690 - Amend layout plan to show external temporary event toilets and temporary structures CC BSR	GRANTED (Amended Operating Plan) Capacity 690 (special events only) 2200 hrs terminal hours for outdoor area ADDITIONAL CONDITIONS 1. Appropriate stewarding is provided to supervise admission, monitor occupant capacity, ensuring control of all patrons on the premises and all those persons engaged in such duties to be registered as door stewards with the Security Industry Authority, and authorisation is clearly displayed. 2. No glass is permitted in the outdoor area. 3. Edinburgh Police Licensing Department are notified of the intended times and dates of a 'special event', at least one month prior to the event being held or as soon as reasonably practicable. COUNCILLOR WORK's DISSENT NOTED

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	472780	Inventive Service Company Ltd	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	30a Chambers Street, Edinburgh, EH1 1HU	No	No	Yes	Change the Description of the premises to: "City Centre venue offering food and entertainment". Amend the terminal licensed on-sales hour on Thursday-Saturday from 1am to 3am Add Restaurant Facilities as an activity YYN Add Films as an activity YYN Amend Children and Young Persons access to 8pm Amend Children and Young Persons access to all public parts CC LSO Ox1	Continued to September 2022 Board Site visit to be arranged

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	473653	Zana 12 Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	86-88 Grassmarket, Old Town, Edinburgh, EH1 2JR	No	No	Yes	To add off sales 11:00- 22:00 daily - To add Deliveries and Takeaways as additional activities CC LSO	GRANTED Alcohol deliveries with food only Off sales to be used 1.06- 31.08 only – Amended OP to be submitted including restricted period in Seasonal Variations

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	472962	Sook Retail Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	111 St James Crescent, New Town, Edinburgh, EH1 3AD	No	No	Yes	Multi purpose retail venue for event hire. CCx2 LSO BSR	Continued to September 2022 Board Site visit to be arranged

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	473362	Mr Adnan Majeed	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	93 Lauriston Place, Edinburgh, EH3 9JB	No	Yes	No	The premises are a takeaway located on the ground floor of a building in the Tollcross area CCx2 LSO BSR Ox1 Tolcross Community Council	APPLICATION WITHDRAWN

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	473639	Whitebox Drinks Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	4a Bankhead Crossway South, South Gyle, Edinburgh, EH11 4EX	No	Yes	No	Warehouse and storage facility with ancillary offices, for remote dispatch and orders, located within a unit in the Bankhead industrial complex at Sighthill. CCx2 LSO BSR	GRANTED No audible nuisance music condition

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	473640	Mr Valentino Volante	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	2 Hope Street, New Town, Edinburgh, EH2 4DB	No	Yes	No	Renovated Police Box selling a range of food and drink for consumption off the premises. CCx2 LSO BSR	GRANTED Premises licence description amended to:- Renovated Police Box selling a range of food and specialist whisky or cask products for consumption off the premises ADDITIONAL CONDITIONS: All alcohol drinks must be sold in sealed containers other than tasting samples No audible nuisance music condition Capacity 3.9 linear metres

ITEM 3

THE CITY OF EDINBURGH LICENSING BOARD
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NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	473804	Mr Emre Sarher	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	36 North Bridge, Edinburgh, EH1 1QG	No	No	Yes	Cafe and delicatessen/shop located over two floors and accessed from North Bridge, together with an area within the Arcade, accessed from the premises CCx2 LSO BSR Ox1 Old Town Community Council	GRANTED Agent confirmed application amended – terminal hour of 2100 Sun- Thurs, 2300 Fri-Sat Operating Plan amended, children and young persons entry times until 11pm and 1am as stated in Board policy. Outdoor area restricted to 2200hrs No audible nuisance music condition Capacity 58 Councillor Booth – DISSENT NOTED

ITEM 3

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

29 August 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	473166	Miss Moira Cunningham	Morton Fraser LLP 2 Lister Square, Edinburgh, EH3 9GL	15 West Terrace, Queensferry, South Queensferry, EH30 9LL	Yes	No	No	The premises is located off the High Street in South Quensferry and is comprised of ground floor café/dining area with external seating area with bedroom accommodation on ground, first and second floors CCx2 LSO BSR	GRANTED No audible nuisance music condition Capacity 26

Applications called for 10.30

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

26 September 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	472780	Inventive Service Company Ltd	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	30a Chambers Street, Edinburgh, EH1 1HU	No	No	Yes	Change the Description of the premises to: "City Centre venue offering food and entertainment". Amend the terminal licensed on-sales hour on Thursday-Saturday from 1am to 3am Add Restaurant Facilities as an activity YYN Add Films as an activity YYN Amend Children and Young Persons access to 8pm Amend Children and Young Persons access to all public parts 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

26 September 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	474513	Star Pubs & Bars Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	27-31 West Port, Edinburgh, EH1 2JA	No	No	Yes	Use Basement Area for comedy club and fringe events, alcoholic and non-alcoholic drinks education, cocktail and mocktail classes, food and drink matchings, promotions and tastings. 5(c) Permit theatre during core hours for fringe and comedy club events. 5(c) Permit televised sport outwith core hours to run with premises opening hours. Include food delivery, alcohol with food delivery, take-away meals, snacks, hot and cold non-alcoholic beverages. Permit accompanied children & young persons to attend suitable fringe events. Amend: Wording of seasonal variations Column 4 activities Premises description Include basement area – capacity 25 basement area Comedy club and fringe events: Alcoholic and non-alcoholic drinks education cocktail and mocktail masterclasses, food and drink matchings, promotions and tastings. Reduce capacity of ground floor to 65 CC BSR	

Applications called for 10.30

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

26 September 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	475596	Stonegate Pub Company Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	Unit 8, 61 Leith Street, Edinburgh, EH1 3AU	No	No	Yes	To reduce capacity; increase in footprint of premises; to change premises address CC LSO BSR	

Applications called for 10.30

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

26 September 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	474627	Netherview Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	16 Home Street, Edinburgh, EH3 9LY	No	No	Yes	Amend premises description, substitute layout plans, commence licensed hours from 11:00 each day, add off sales, add restaurant facilities, bar meals, receptions and club meeting as activities; remove adult entertainment as an activity; to add take aways and deliveries(alcohol with food)as additional activities; permit children and young person access; amend wording for column answerd 'yes' further details tab. CC LSO BSR Ox2	

Applications called for 10.30

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

26 September 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	474907	P + J Swanson T/A "a Firm"	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	32 North Junction Street, Edinburgh, EH6 6HP	No	No	Yes	To amend the on sale on Monday to Thursday 08:00-00:00 CC LSO	
5.	474908	Margiotta Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	77 Warrender Park Road, Edinburgh, EH9 1ES	No	Yes	No	To increase capacity; to remove reference to the ATP machine and phone top-ups; to include deliveries as activity, which may include alcohol; to substitute a new layout plan CC LSO	

Applications called for 11.00

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

26 September 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	472590	Pizza Express Limited	Pinsent Masons LLP 141 Bothwell Street, Glasgow, G2 7EQ	32 Queensferry Street, Edinburgh, EH2 4QS	No	No	Yes	1. Amend Sunday commencement hour for on sales; include off-sales and home deliveries in the Operating Plan Monday - Sunday: 11.30 - 22.00 2. Amend wording on seasonal variations 3. Amend layout CC LSO	

Applications called for 11.00

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

26 September 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	474630	Edinburgh St James Hotel (GP) Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	C3.33 300-304 St James Crescent, Edinburgh	Yes	No	No	Amend layout plan; Amend premises description; remove off sales, amend all activities in column 4; add 'yes" to column 2 and 3 for following activities: conference facilities, live performances, theatre, gaming and televised sport; Delete all text relating to activities matrix in column 4; Amend text in Q5(f); amend 6(b) terms of children and young persons entry; amend 6(d) entry times of children and young persons; Increase capacity CC LSO BSR	

Applications called for 11.00

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

26 September 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	475375	Leith Bottle Shop Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	30 Great Junction Street, North Leith, Edinburgh, EH6 5LA	No	Yes	No	Retail premises on the ground floor and basement of a building on Great Junction Street, Edinburgh. CCx2 LSO BSR	
2.	475863	The Whisky Gantry Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	10b Queensferry Street, Edinburgh, EH2 4PG	No	No	Yes	Retail premises on ground and lower ground floor on Queensferry Street, Edinburgh. CCx2 LSO BSR	
3.	474935	Metrogrow Limited	Shepherd & Wedderburn 5th Floor, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL	1 Union Path, Edinburgh, EH3 9QD	No	No	Yes	Restaurant over two floors including an outdoor drinking area to the front of the premises. CCx2 LSO BSR Ox3	

PERSONAL LICENCE REFERRAL – SECTION 84 – LEITH MCKENZIE

1. Purpose

- 1.1 To advise of a referral for review of a personal licence.

2. Main Report

- 2.1. Leith McKenzie holds a personal licence issued by the Edinburgh Licensing Board. The West Dunbartonshire Licensing Board conducted a premises licence review hearing for premises at which Mr McKenzie was the named premises manager. In the course of the hearing, a finding was made that Mr McKenzie had acted in a manner inconsistent with the licensing objectives.
- 2.2. The details of the review hearing conducted by the West Dunbartonshire Board and the decision reached on Mr McKenzie's licence are set out in a letter from the clerk of that Board, a copy of which has been sent to Mr McKenzie.
- 2.3. As Mr McKenzie is the holder of a personal licence issued by the Edinburgh Board, the Board is required to hold a hearing on the terms of the referral and decide whether to take the action recommended by the West Dunbartonshire Board or any alternative action the Board considers necessary.
- 2.4. In conducting a personal licence review hearing, if the Board is satisfied that it is necessary to take action for the purposes of any of the licensing objectives it may make an order:-
- (a) revoking;
 - (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
 - (c) endorsing
- the personal licence.
- 2.5. In this instance the West Dunbartonshire Licensing Board has recommended that Mr McKenzie's personal licence be revoked.

3. Recommendation

- 3.1 The Board should:-
- (a) hold a hearing on the personal licence, allowing the licence holder the opportunity to be heard; and
 - (b) decide what action should be taken, having regard to the licensing objectives and noting the recommendation set out in the referral.

4. Background Papers

- 4.1 Letter from West Dunbartonshire Licensing Board – 5th May 2022.

Depute Clerk of the Licensing Board

PREMISES LICENCE REVIEW HEARING – THE SPEY LOUNGE, 39 LEITH WALK, 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 the Spey Lounge, 39 Leith Walk, 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 at the conclusion of the hearing.

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 delegates this decision to the Convener. The decision was made by the previous convener of the Board that the application should be reported to the Board for a premises licence review hearing.
- 2.3. The application has been submitted by the Council's LSOs. The premises licence holder is Trust Inns Limited. A copy of the review application has been sent to the premises licence holder along with a copy of this report.
- 2.4. The LSO report has been updated since its initial submission to the Board earlier in the year. The report now also incorporates a letter from Police Scotland reporting on incidents connected with the premises.
- 2.5. There has been some delay in the review application being brought before the Board. In part, this was due to the necessary delay in the appointment of the new Board but also because of requests made by the agent for the licence holder for the hearing to be delayed in order that communications could continue in the meantime between the licence holder and the LSOs. The Board will hear more detail on this in the course of the hearing.
- 2.6. In carrying out a review hearing, the Board should first hear from the LSO representative. Noting there is a police report provided, the Board may wish to hear from the police representative on its terms. It

PREMISES LICENCE REVIEW HEARING – THE SPEY LOUNGE, 39 LEITH WALK, EDINBURGH

should be noted however the review hearing is proceeding on the basis of the LSO application and the police are not an applicant in the process. The Board should then hear from the licence holder or their agent 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;
- (d) revoke the licence.

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 8th January 2022 (received 10th March 2022)
- 4.2 Copy Compliance Certificate issued by LSOs to licence holder, dated 7th December 2021
- 4.3 History of complaints – 8th June 2021 – 10th September 2022
- 4.4 Police letter dated 12th September 2022

Depute Clerk of the Licensing Board

APPLICATIONS TO EXTEND PROVISIONAL PERIOD

1. Purpose

- 1.1 To ask the Board to consider applications to extend 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. The agent for the licence holders has, in each case, advised that the requests are being made because the delay referred to above is connected with coronavirus. Section 45(7A) entitles a licence holder to make such a request and, if the Board is satisfied as to the terms of the request, it must extend the provisional period by six months.
- 2.5. The agent for the licence holders has 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 advised to agree to extend the provisional period in each case by six months.

4. Background Papers

- 4.1 Extension request – 1 Palmerston Place – expiry date 28 October 2022
- 4.2 Extension request – 15 Salisbury Place – expiry date 28 October 2022

Depute Clerk of the Licensing Board