

# ◆ EDINBURGH ◆

LICENSING BOARD

## NOTICE OF MEETING

**MONDAY 28<sup>th</sup> NOVEMBER 2022**

**Start time: 9.30am**

**LOCATION: DEAN OF GUILD ROOM**

### AGENDA

NOTE: It is intended items 1-5 below will be webcast and considered by the Board from 9.30am. The remainder of the meeting will not be webcast.

1. Convener's Update
2. Report – Annual Financial Reports – to follow
3. Referral from Regulatory Committee – Prevention of Drug Deaths
4. Verbal Update – Policy consultation
5. Minutes of meeting of 31<sup>st</sup> October 2022 and matters arising
6. Applications - details as set out in separate list
7. Occasional licence – 64 Home Street – Referral by Convener
8. Report – Request for Extension of Provisional Premises Licences
9. Report – Personal Licence – Section 84 Hearing – Leith McKenzie
10. Report – Premises Licence Review Hearing – 301 Leith Walk

Nick Smith  
Clerk of the Licensing Board

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## LICENSING BOARD

Licensing Board membership:

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

PUBLICATION OF ANNUAL FINANCIAL REPORT – 2019/20, 2020/21 and 2021/22

**1. Purpose**

- 1.1 To ask the Board to approve the terms of its annual financial report;
- 1.2 To discharge statutory duties of the Licensing Board in relation to the reporting of income and expenditure; and
- 1.3 To provide information about spend and pressures as advised to the Board by the Council's Place Directorate.

**2. Main Report**

- 2.1. At a previous meeting on 26 June 2017 the Board was advised of a new duty introduced by an amendment to the Licensing (Scotland) Act 2005 ("the 2005 Act"). Section 9B of the 2005 Act requires Boards to prepare and publish no later than three months after the end of the financial year, an annual financial report. This period was temporarily extended to nine months by the Coronavirus (Scotland) Act 2020. The annual report for the year 21/22 is the last year to benefit from the temporary extension period for publication.
- 2.2. The financial report should include:
  - A statement of the amount of liquor licensing income received by the Board during the financial year;
  - A statement of the expenditure incurred by the Board during the same period; and
  - An explanation of how the amounts in the statement were calculated.
- 2.3. Section 9B of the 2005 Act provides some detail as to what is required of Boards to comply with this duty, but the Scottish Government has not issued guidance on the specifics. The report format has been left to individual Councils and Boards to decide.
- 2.4. In terms of the 2005 Act all fees received by the Licensing Board should be paid to the Clerk of the Board who in turn must remit the fees to City of Edinburgh Council ("the Council"). The current position within the Council is that the Licensing Board budget is the responsibility of the Place Directorate.
- 2.5. The Council's Place Directorate has therefore prepared the annexed report (Appendix One) based on information obtained from the licensing applications database. The report has been prepared using a similar template to the previous three annual financial reports considered by the Board at its meetings on 4 December 2017, 26 November 2018, and 25 November 2019.
- 2.6. The annexed report sets out the income and expenditure details calculated for the 2019/20, 2020/21 and 2020/21 financial years. These reports were not available during the period of the pandemic due to the operational pressures on the Licensing Service within the Directorate of Place of maintaining the

PUBLICATION OF ANNUAL FINANCIAL REPORT – 2019/20, 2020/21 and 2021/22

continued operation of the licensing system for both the Council and Board. Additionally, resources with the Directorate of Place were required to prioritise the introduction of two new licence schemes for the Council.

- 2.7. Income details have been provided from an assessment of the Council's licensing applications database for all fees gathered between 1 April and 31 March in each period.
- 2.8. The annexed report explains the basis upon which the expenditure figure has been reached, with an explanation as to why this represents an estimate figure of the total expenditure for the financial year. This model was subject to a review by Internal Audit as part of the Council-wide review of fees and charges in 2019.
- 2.9. The Place Directorate, in addition to preparing the financial statements, have also provided supplementary information and comment in relation to the Board's financial position as set out at Paragraphs 2.10 - 2.14 below.
- 2.10. Staffing in the Licensing Service/Licensing Standards teams has had an impact on costs and the outturn for the financial year, specifically:
  - 2.10.1. The staffing costs for Licensing Standards Officers were lower than the forecast figures. A number have retired or left the employment of the Council, and whilst the aim has always been to maintain a full establishment, the time lag for recruitment has resulted in an underspend.
  - 2.10.2. Within the wider Licensing Service, two Licensing Officers and two Licensing Assistant posts have been vacant during the period due to retirement, staff moving to other roles or internal promotion. The overall staffing costs are split across all licence types including liquor, and therefore this has contributed to the staffing costs recharged to the Board being lower than projected.
- 2.11. Appendix 2 sets out the reserve over the three-year period covered in this report.
- 2.12. Members are asked to note that whilst the current reserve stands at £349k this amount has to be considered against a number of potential financial pressures. Once vacancies are filled, combined with the Board contributing circa 30% share of the overall costs of upgrading of the Licensing Service ICT system, the reserve may be completely depleted. It is recommended that consideration is given to the financial year end position of the last two years as they effectively cancelled each other out and therefore there was minimal contribution toward the reserve.
- 2.13. Maintaining a reserve is also necessary in anticipation of legal costs for any appeals against Board decisions and that is a risk for the Board.
- 2.14. Any change considered by the Board in terms of improving service provision must be viewed alongside what service must be reduced in order to introduce additional service.

## PUBLICATION OF ANNUAL FINANCIAL REPORT – 2019/20, 2020/21 and 2021/22

### 3. Current Fees

3.1 In terms of the Licensing (Fees) (Scotland) Regulations 2007, when determining any fee payable under the Regulations, "... the Board is to have regard to the desirability of ensuring that the total fees payable in respect of any period are likely to be broadly equivalent to the expenses incurred by that Board, and the Council for the area of that Board in administering the Act generally during that period...". The costs of the Council employing Licensing Standards Officers are also included by the Regulations within expenses incurred by the Board.

3.2 Certain fees are set by the Regulations e.g., occasional licences. However, fees for other applications e.g., premises licences and major variations are set by each Board up to a maximum limit as stated in the Regulations. The Board currently does not charge the maximum fees allowed for by the Regulations and has not increased fees since the commencement of the 2005 Act provisions. A copy of the current fee list is attached at Appendix Three. If the Board wish to consider current fee levels in more detail, a further report can be provided to a future meeting of the Board.

3.3 In the meantime, provided that the Board approves the annexed financial report, covering the last three-year period then it will be published as required on the Board's webpage on the City of Edinburgh Council website.

### 4. Recommendation

4.1 The Board is asked to:

- a) approve the terms of the annual financial report covering the periods 2019/20, 2020/21 and 2021/22 as annexed; and
- b) delegate publication of the report to the clerk and his deposes.

### 5. Background

4.1 Reports to Board of 4 December 2017, 26 November 2018, and 25 November 2019

4.2 [Licensing Scotland Act 2005 – Section 9B](#)

### 6. Appendices

6.1 Appendix 1 – Financial reports 2019/20, 2020/21 and 2021/22

6.2 Appendix 2 – Reserves with respect to liquor licensing

6.3 Appendix 3 - Current list of liquor licensing fees

Morag Leck

**Depute Clerk of the Licensing Board**



## Licensing (Scotland) Act 2005

### City of Edinburgh Licensing Board Financial Report

#### Year Ending: 31 March 2020

The City of Edinburgh Licensing Board is required under section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within 3 months of the end of the relevant financial year.

This report has been prepared using financial data taken on the closed financial year 2019/20. The relevant budgets and other finance sources that the data has been extracted from have not yet been audited. Consequently, the figures provided in this report are indicative and cannot be relied upon as an accurate reflection of income and expenditure relative to the exercise of the Licensing Board's functions under the Licensing (Scotland) Act 2005.

The financial statement is as follows:

<b><u>Income</u></b> <sup>1</sup>	<b>£</b>
Occasional Licences	-38,451
Personal Licences	-87,333
Premises Licences	-939,837
<b>Total</b>	<b>-1,073,521</b>
<b><u>Staff Costs</u></b> <sup>2</sup>	
Licensing Services	722,430
Legal Services	57,906
Administrative Support	24,262
<b>Total</b>	<b>804,598</b>
<b><u>Other Direct Costs</u></b> <sup>3</sup>	
Room Hire & Meetings	2,481
ICT Equipment	3,236
Legal fees	15,464
Training	1,340
Postage	4,152
Printing/Stationery/Photocopying	4,793
Transport	12,140
Other expenses	5,773
Internal Charges	18,090
<b>Total</b>	<b>67,468</b>
<b><u>Indirect Costs</u></b> <sup>4</sup>	
ICT/Telecommunications	21,669
Business Support	18,913
Property	84,376

## Appendix 1

Corporate & Democratic Core	36,337
Other	61,208
<b>Total</b>	<b>222,504</b>
<b>Net (Surplus)/Deficit<sup>5</sup></b>	<b>28,948</b>

### **Notes:**

1. Denotes income from applications and annual fees received in 2019/20 under the Licensing (Scotland) Act 2005
2. Denotes salary, superannuation, national insurance and pension costs associated with the Clerk, Licensing Standards Officers and other Council staff responsible for administrative support under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005.
3. Denotes direct budgetary costs associated with the exercise of the Licensing Board function such as travel and transport costs, stationery, supplies and services etc.
4. Denotes the portion of centralised administrative costs such as ICT, training, property costs etc. that are allocated to the Licensing Board budget. These allocations are derived from the Councils Central Support Cost model and the inputs used to allocate central costs. Please note that through Council transformation that previous direct costs to Licensing are now charged indirectly.
5. To note that surplus income from ringfenced accounts after covering expenses is transferred to reserves. If costs in ringfenced accounts exceed income recovery for the year, the equivalent shortfall will be drawn from reserves.



## Licensing (Scotland) Act 2005

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The financial statement is as follows:

<b><u>Income</u></b> <sup>1</sup>	<b>£</b>
Occasional Licences	-8,481
Personal Licences	-5,100
Premises Licences	-1,074,216
<b>Total</b>	<b>-1,087,797</b>

<b><u>Staff Costs</u></b> <sup>2</sup>	
Licensing Services	792,097
Legal Services	30,203
Administrative Support	15,042
<b>Total</b>	<b>837,341</b>

<b><u>Other Direct Costs</u></b> <sup>3</sup>	
Room Hire & Meetings	0
ICT Equipment	31,062
Legal fees	13,520
Training	0
Postage	1,603
Printing/Stationery/Photocopying	44
Transport	10,798
Other expenses	2,333
Internal Charges	14,993
<b>Total</b>	<b>74,352</b>

<b><u>Indirect Costs</u></b> <sup>4</sup>	
ICT/Telecommunications	11,372
Business Support	8,411
Property	40,901
Corporate & Democratic Core	20,855
Other	30,578
<b>Total</b>	<b>112,117</b>

## Appendix 1

Net (Surplus)/Deficit<sup>5</sup>

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(63,987)

### Notes:

1. Denotes income from applications and annual fees received in 2020/21 under the Licensing (Scotland) Act 2005
2. Denotes salary, superannuation, national insurance and pension costs associated with the Clerk, Licensing Standards Officers and other Council staff responsible for administrative support under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005.
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5. To note that surplus income from ringfenced accounts after covering expenses is transferred to reserves. If costs in ringfenced accounts exceed income recovery for the year i.e., a deficit, the equivalent shortfall will be drawn from reserves.

## Licensing (Scotland) Act 2005

### City of Edinburgh Licensing Board Financial Report

#### Year Ending: 31 March 2022

The City of Edinburgh Licensing Board is required under section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within 3 months of the end of the relevant financial year.

This report has been prepared using financial data taken on the closed financial year 2021/22. The relevant budgets and other finance sources that the data has been extracted from have not yet been audited. Consequently, the figures provided in this report are indicative and cannot be relied upon as an accurate reflection of income and expenditure relative to the exercise of the Licensing Board's functions under the Licensing (Scotland) Act 2005.

The financial statement is as follows:

<b><u>Income</u></b> <sup>1</sup>	<b>£</b>
Occasional Licences	-30,166
Personal Licences	-28,319
Premises Licences	-1,169,302
<b>Total</b>	<b>-1,227,787</b>
<b><u>Staff Costs</u></b> <sup>2</sup>	
Licensing Services	986,147
Legal Services	37,689
Administrative Support	18,329
<b>Total</b>	<b>1,042,165</b>
<b><u>Other Direct Costs</u></b> <sup>3</sup>	
Room Hire & Meetings	0
ICT Equipment	4,560
Legal fees	3,156
Training	945
Postage	4,412
Printing/Stationery/Photocopying	0
Transport	11,341
Other expenses	0
Internal Charges	22,110
<b>Total</b>	<b>46,524</b>
<b><u>Indirect Costs</u></b> <sup>4</sup>	
ICT/Telecommunications	13,681
Business Support	10,796
Property	55,916
Corporate & Democratic Core	24,750
Other	99,382
<b>Total</b>	<b>204,525</b>

## Appendix 1

Net (Surplus)/Deficit<sup>5</sup>

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65,427

### Notes:

1. Denotes income from applications and annual fees received in 2021/22 under the Licensing (Scotland) Act 2005
2. Denotes salary, superannuation, national insurance and pension costs associated with the Clerk, Licensing Standards Officers and other Council staff responsible for administrative support under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005.
3. Denotes direct budgetary costs associated with the exercise of the Licensing Board function such as travel and transport costs, stationery, supplies and services etc.
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5. To note that surplus income from ringfenced accounts after covering expenses is transferred to reserves. If costs in ringfenced accounts exceed income recovery for the year i.e., a deficit, the equivalent shortfall will be drawn from reserves.

## Appendix 2 Licensing Board Reserve Account

Type	2019/20	2020/21	2021/22
Liquor	-350,495	-414,483	-349,056

**Licensing (Scotland) Act 2005 – Fees**

**FEES DETERMINED BY LICENSING BOARD**

FEE FOR APPLICATION FOR PREMISES LICENCE BY STATUTORY CATEGORY\*

CATEGORY	RATEABLE VALUE	FEE £
1	not applicable	136
2	between £1 and £11,500	544
3	between £11,501 and £35,000	748
4	between £35,001 and £70,000	884
5	between £70,001 and £140,000	1156
6	over £140,001	1360

ANNUAL FEE FOR PREMISES LICENCE BY STATUTORY CATEGORY

CATEGORY	RATEABLE VALUE	FEE £
1	not applicable	180
2	between £1 and £11,500	220
3	between £11,501 and £35,000	280
4	between £35,001 and £70,000	500
5	between £70,001 and £140,000	700
6	over £140,001	900

FEES FOR APPLICATIONS UNDER REGULATION 11(3)

SECTION	TYPE	FEE £
33(1)	TRANSFER (INC VARIATION)	130
33(1)	TRANSFER (NO VARIATION)	40
34(1)	TRANSFER (INC VARIATION)	130
34(1)	TRANSFER (NO VARIATION)	40
47(2)	TEMP PREMISES LICENCE	130
92(1)	REPLACEMENT PERSONAL LIC	25

FEE FOR APPLICATIONS UNDER REGULATION 12(2)

SECTION		TYPE	FEE £
	29(1)	VARIATION	130

**FEES LAID DOWN BY REGULATION**

SECTION		TYPE	FEE £
	29(1)	MINOR VARIATION (MANAGER)	31
	29(1)	MINOR VARIATION	20
	56(1)	OCCASIONAL	10
	68(1)	EXTENDED HOURS	10
	72(1)	PERSONAL	50

\*The fee payable for a provisional premises licence (under section 20(1)) will be 80% of the fee stated below. The balance of 20% will be charged on the application for confirmation (under section 46(1)) when lodged.

# Edinburgh Licensing Board

9.30am, Monday 28 November 2022

## Motion by Councillor McFarlane – Prevention of Drug Deaths – referral from the Regulatory Committee

Executive/routine  
Wards  
Council Commitments

### 1. For Decision/Action

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- 1.1 The Regulatory Committee has referred a report on the Motion by Councillor McFarlane – Prevention of Drug Deaths the Licensing Board for information.

**Nick Smith**  
Service Director, Legal and Assurance

Contact: Taylor Ward, Committee Services  
Legal and Assurance Division, Corporate Services Directorate  
Email: [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk)



# Referral Report

## Motion by Councillor McFarlane – Prevention of Drug Deaths – referral from the Regulatory Committee

### 2. Terms of Referral

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- 2.1 On 21 November 2022, the Regulatory Committee considered the attached report responding to Councillor McFarlane’s Motion on Prevention of Drug Deaths. The report summarised the work carried out to date regarding exploration of opportunities within licensing provision to increase requirements for training in administering Naloxone for licensed premises, door staff and personal licence holders.
- 2.2 The Regulatory Committee agreed:
- 2.2.1 To note the report was in response to the motion from Councillor McFarlane at Full Council on 30 June 2022 on Prevention of Drug Deaths.
  - 2.2.2 To note that the Licensing Standards team would continue to liaise with Edinburgh Alcohol and Drugs Partnership (EADP) and the NHS Harm Reduction Team to explore options for a pilot scheme with respect to the provision of Naloxone within liquor licensed premises.
  - 2.2.3 To refer the report to the Licensing Board for information.
  - 2.2.4 To discharge the outstanding remit relating to the Regulatory Committee.

### 3. Background Reading/External References

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[Webcast - Regulatory Committee 21 November 2022.](#)

### 4. Appendices

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Appendix 1 – Report by the Executive Director of Place

# Regulatory Committee

10.00am, Monday, 21 November 2022

## Motion by Councillor McFarlane – Prevention of Drug Deaths

Executive/routine	
Wards	All
Council Commitments	

### 1. Recommendations

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1.1 Committee is asked to:

1.1.1 Note that this report is in response to the motion from Councillor McFarlane at Full Council on [30 June 2022](#) on Prevention of Drug Deaths;

1.1.2 Note that the Licensing Standards team will continue to liaise with Edinburgh Alcohol and Drugs Partnership (EADP) and the NHS Harm Reduction Team to explore options for a pilot scheme with respect to the provision of Naloxone within liquor licensed premises;

1.1.3 Refer this report to the Licensing Board for the Board's information; and

1.1.4 Discharge the outstanding remit relating to the Regulatory Committee.

**Paul Lawrence**

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 529 4208

# Report

## Motion by Councillor McFarlane – Prevention of Drug Deaths

### 2. Executive Summary

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- 2.1 On [30 June 2022](#), the City of Edinburgh Council approved a motion by Councillor McFarlane on the Prevention of Drug Deaths, which included an action to “*request a report in two cycles to the Regulatory Committee to explore opportunities within licensing provision to increase requirements for training in administering Naloxone for licensed premises, door staff and personal licence holders*”.
- 2.2 This report summarises the work carried out to date in this respect.

### 3. Background

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- 3.1 On 30 June 2022, the City of Edinburgh Council debated the motion on drug related deaths and possible measures to respond to these.
- 3.2 Naloxone is a drug which temporarily reverses an opiate overdose, and which can be administered by non-medical professionals.
- 3.3 From the information available to the Council from Police Scotland and Licensing teams, there is no direct evidence of a pattern of opiate overdose in liquor licensed or other premises licensed by the Council.
- 3.4 Advice has been sought from the Edinburgh Alcohol and Drugs Partnership (EADP) and NHS Lothian’s Harm Reduction Team (HRT) on what proactive steps could be taken to address the issues raised in the motion.
- 3.5 Some licensed premises already act as community hubs, hosting automated external defibrillators (‘AEDs’) and other community resources. While it is not envisaged that Naloxone would often be required on these premises, providing it at these locations would make it available for the local community if required.

## 4. Main report

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### Licensed Premises

- 4.1 Officers considered whether it would be possible to make the provision of 'Take Home Naloxone' ('THN kits') a condition of either Personal or Premises alcohol licences.
- 4.2 This would primarily be a matter for the Licensing Board, which is the licensing authority for those premises.

### Other Types of Licence

- 4.3 Consideration was also given to whether other types of licence which fall within the remit of the Council might fall within the scope of the motion.
- 4.4 The starting point for any mandatory training, which would be imposed as a requirement by means of licence condition, is that it must be within the powers available to the licensing authority, and that there is a clear evidence base which would justify such a condition.
- 4.5 The [Civic Government \(Scotland\) Act 1982](#) is now quite outdated and does not provide a basis for addressing contemporary issues. As such, it would not provide the framework for a condition of licence that would require staff in licensed premises to undergo mandatory training of this type. The courts have consistently overturned attempts to use the 1982 Act to regulate contemporary issues beyond the core purpose of the Act.
- 4.6 Additionally, the Council would be required to show an evidence base for why such a condition is necessary and proportionate, which at present does not exist. Taking these two points together, Committee is advised that it would not be feasible to introduce a mandatory training requirement for any licence type administered by the Council.

### Other Options

- 4.7 Officers from Regulatory Services have met with colleagues in EADP and HRT to discuss whether there are other options and have jointly agreed to take forward the motion via the pilot work described below, and thereafter to assess its impact.
- 4.8 It is believed that the kits can be provided via NHS HRTs. These teams can also provide training on use of THN kits, which takes only a short time.
- 4.9 Several options for the distribution of the kits have also been discussed. It is intended to investigate an intelligence-based targeted approach. The EADP will liaise with Licensing Standards Officers to identify areas of peak need, with resources then being focussed appropriately:

Licensing Standards Officers	<ul style="list-style-type: none"> <li>• Collaborate with EADP to identify premises which would benefit from the training</li> <li>• Monitoring of premises (to be carried out as part of routine inspections)</li> </ul>
Harm Reduction Team	<ul style="list-style-type: none"> <li>• Provision of THN kits</li> <li>• Training</li> <li>• Administration</li> </ul>

4.10 Once targeted premises have been identified, the next phase of work will include the following:

Scottish Ambulance Service	<ul style="list-style-type: none"> <li>• Raising awareness of kit locations and premises opening hours</li> </ul>
EADP	<ul style="list-style-type: none"> <li>• Communications</li> </ul>
Harm Reduction Team, Turning Point Scotland, local pharmacies	<ul style="list-style-type: none"> <li>• Raising awareness</li> <li>• Potential for leaflet distribution</li> </ul>
Licensed premises	<ul style="list-style-type: none"> <li>• Engage with communications plan (EADP)</li> <li>• Undertake training (HRT)</li> <li>• Store THN kits appropriately</li> <li>• Engage in THN kit monitoring (HRT)</li> </ul>

4.11 Initial discussions identified that there may be a role for the Security Industry Authority (SIA). Officers will liaise with SIA representatives to explore any possibility of including training on use of the THN kit in mandatory SIA first aid training.

4.12 Finally, officers are aware that one of the taxi companies within the city has been encouraging drivers who are part of their network to participate in the training and carry a THN kit. Officers will engage with the Hire Car Trade Group to establish if there is scope to widen participation with other Taxi and PHC companies.

## 5. Next Steps

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5.1 Officers will continue to work with NHS teams to establish a pilot zone. Given this is more directly relevant to the remit of the Licensing Board, any updates will be provided to the Board.

## **6. Financial impact**

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6.1 THN kits will be provided via NHS Lothian's HRTs as required.

## **7. Stakeholder/Community Impact**

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7.1 The report proposed no policy change for the reasons set out in the report and therefore there is no direct impact.

## **8. Background reading/external references**

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8.1 None.

## **9. Appendices**

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9.1 None.

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LICENSING BOARD

## MINUTES OF MEETING

MONDAY 31<sup>st</sup> OCTOBER 2022

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

**Apologies: Councillor Margaret Graham**

**Police: Sergeant Greig Stephen; Chief Inspector David Happs**

**Council Officers: Veronica McMillan (Regulatory Team Leader); Andrew Mitchell (Regulatory Services Manager); Catherine Scanlin (Licensing Manager); Colin McCulloch (Senior Building Standards Surveyor); Nick Fraser (Depute Clerk)**

In its consideration of items 1-4 below the Board deliberations were broadcast using the Council's webcast system. A copy of the webcast can be viewed [here](#).

### 1. Chief Constable's Annual Report

Chief Inspector Happs presented the terms of the Chief Constable's annual report, advising the Board of work carried out by the Police Licensing Team and other police officers across the Board's area. The Board heard the details of the workload covered by the police when dealing with licensing related matters, the partnership working approach being followed and the details of initiatives over the reporting period and planned for the future. Board members asked questions on various parts of the report and matters arising from it. The Board agreed to note the terms of the report.

### 2. Reconstitution of Licensing Forum – verbal update from Regulatory Services Manager

The Board heard from Andrew Mitchell who confirmed the Licensing Forum had held its first meeting and was due to meet again on 2<sup>nd</sup> December 2022 when it would appoint its convener. The Board asked a number of questions on the membership of the Forum and arrangements for future meetings.

### 3. Referral of Motion from Council – report from Depute Clerk

The Board noted the terms of a motion from the Council on 17<sup>th</sup> March 2022, which had been referred for Board consideration on the terms of the "Get Me Home Safely" campaign. It was noted there had been a subsequent motion in similar terms, considered by the Council at its meeting on 27<sup>th</sup> October 2022.

Board members discussed the terms of the motion, and agreed (1) to note the terms of the motion agreed on 17<sup>th</sup> March 2022 and (2) include consideration of the "Get Me Home Safely" campaign within the scope of the ongoing consultation on the Board's current statement of licensing policy.

### 4. Convener's Update

- Policy consultation

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## LICENSING BOARD

The Convener referred to the Board's ongoing policy consultation, asking that an update should be provided to the Board at its next meeting.

- Meeting with Licensing agents

The Convener advised of a meeting held with a group of Licensing agents who regularly attended Board meetings, during which a number of action points had been agreed. Details would be circulated to the Board for information at a later date.

- Occasional licences

The Convener referred to the particular scenario of occasional licences being used on a long term basis as a means of licensing premises that were otherwise unlicensed. She advised it was likely there would be more referrals of occasional licence applications for Board consideration in future.

### 5. Minutes of meeting of 26<sup>th</sup> September 2022 and matters arising

The Minutes and decision list for the meeting of 26<sup>th</sup> September 2022 were approved. Veronica Macmillan provided the Board with an update on item 6 of the minutes, advising there had been an LSO visit to the Spey Lounge premises to confirm compliance with licensing conditions, records of staff training, etc.

### 6. Applications - details as set out in separate list

The details of applications considered by the Board at the meeting on 31<sup>st</sup> October 2022 are set out in a separate decision list, for approval and to be appended to these minutes.

### 7. Requests for Extension of Provisional Premises Licences – report from Depute Clerk

The Depute Clerk advised of a number of requests for extension of provisional premises licence. Details of the Board's decisions are included within the decision list to be appended to these minutes.

### 8. Personal Licence – Section 84 Hearing – Leith McKenzie

Noting Mr McKenzie was not in attendance, the Board agreed one final continuation of the consideration of the report.

### 9. Personal Licence – Section 84 Hearing – Mohammed Adel Moussa

Having previously agreed to make a finding on Mr Moussa's personal licence following the premises licence review for the Spey Lounge at its meeting on 29<sup>th</sup> September 2022, the Board heard from Mr Moussa and from his agent Alistair Macdonald.

The Board agreed it was necessary to endorse Mr Moussa's personal licence.

### 10. Personal Licence – Section 84 Hearing – Kerry Killen



# • EDINBURGH •

## LICENSING BOARD

Having previously agreed to make a finding on Miss Killen's personal licence following the premises licence review for the Spey Lounge at its meeting on 29<sup>th</sup> September 2022, the Board heard from Miss Killen and from her agent Alistair Macdonald.

The Board agreed that it was not necessary to take any further action with Miss Killen's personal licence.

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

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	475885	Lycidas 377 Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	19 Cockburn Street, Edinburgh, EH1 1BP	No	No	Yes	To amend the on sales commencement hour to 9am Monday – Saturday. • To amend the on and off sales commencement hour to 11am on Sunday.  CC	9am Mon -Sat on sales withdrawn  GRANTED as amended

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**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	476092	Pizza Express Limited	Pinsent Masons LLP 141 Bothwell Street, Glasgow, G2 7EQ	23 North Bridge, Edinburgh, EH1 1SB	No	No	Yes	Add off sales daily 11:00-22.00; amend Sunday opening time from 12:00 to 11:00; amend wording of Q4 & Q5(f) of the Operating Plan; change premises capacity to 121; substitute layout plans.  CC	GRANTED  Off sales only for takeaways and deliveries of alcohol with food.

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

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	471900	El Caldero Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	262 Portobello High Street, Edinburgh, EH15 2AT	No	No	Yes	To commence licensed hours from 11am each day and to extend hours to midnight on Friday and Saturday, to add off sales 11:00-22:00 each day; to add receptions and Outdoor Drinking Facilities, deliveries and takeaways as activities; to provide that certain activities will take place outwith licensed hours; to amend access arrangements for Children and Young persons; to increase capacity; to substitute a new layout plan;  CC LSO BSR	GRANTED  Outdoor area terminal hour 2200hrs  Off sales only with takeaway / deliveries of food

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	476067	Soi 38 Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	38-40 Clerk Street, Edinburgh, EH8 9HX	No	No	Yes	Incorporate No.40 Clerk St into premises operation & substitute Layout Plan to reflect this - Add off sales 11.00-22.00 each day - Amend Activities allowed within and outwith core hours and include outdoor drinking facilities  CC LSO	GRANTED

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	477207	Mr Chirayu Kaewsri	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	5a Johnston Terrace, Old Town, Edinburgh, EH1 2PW	No	No	Yes	Amend Sunday on sale commencement hour to 11:00; add off sales 11:00- 22:00 daily; include outdoor drinking in the Operating Plan and substitute layout plan to include external pavement area within the licensed area; add that "All activities, with the exception of selling alcohol, may take place outwith core licensed hours."  CC	GRANTED  Children access allowed until 11 pm  Outdoor area terminal hour 2200hrs

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	476205	Axiom Hospitality Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	69-74 Bruntsfield Place, Edinburgh, EH10 4HH	No	No	Yes	To amend layout and increased licence footprint (adding outdoor area)  CC LSO	GRANTED  Outdoor area terminal hour 2200hrs

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**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS**

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	477257	To Hodrulis Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	50 Granton Road, Trinity, Edinburgh, EH5 3QU	No	Yes	No	Takeaway premises located on the ground floor of a building on Granton Road, Edinburgh.  CC LSO BSR Ox1 Trinity Community Council	GRANTED  Additional Condition- 'All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises'



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**NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS**

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	476270	Mr Padam Kumar Sharma	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	59 Slateford Road, Edinburgh, EH11 1PR	No	Yes	No	Hot food takeaway premises located on the ground floor, together with a basement used for storage, within a building on Slateford Road  CCx2 LSO BSR	GRANTED  Off sales with food for takeaways and deliveries only  Additional condition - 'All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises'  Capacity 4 linear meters

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**NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS**

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	476819	Grams	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	68 Hamilton Place, Stockbridge, Edinburgh, EH3 5AZ	No	No	Yes	Cafe/Takeaway located on ground floor and basement of a building on Hamilton Place, Stockbridge.  CCx2 LSO BSR	GRANTED  Capacity – 30 persons  Children' access limited to 2300 and young persons' access limited to 0100 during seasonal variations.  Additional condition- 'All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises'

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

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	476049	Ms Meryem Fedakar	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	69 South Clerk Street, Newington, Edinburgh, EH8 9PP	No	No	Yes	Cafe premises located on the ground floor of a building on South Clerk Street, Edinburgh CC LSO BSR	GRANTED  Capacity 35 persons  Amended operating plan – off sales only with takeaways and food deliveries  Additional condition - 'All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises'

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

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	474741	New World Trading Co (UK) Ltd	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	St Andrews Hall, 3 St James Place, New Town, Edinburgh, EH1 3JH	No	No	Yes	Premium pub, bar and restaurant in mixed commercial/residential development situated within the St James Quarter, Edinburgh.  CCx2 LSO BSR Ox1 New Town and Broughton Community Council	Application part heard  Site visit to be arranged  Continued to November Board meeting

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**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS**

**31 October 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	474742	Edinburgh St James Hotel (GP) Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	Unit 4.02A, 416 St James Crescent, New Town, Edinburgh, EH1 3AE	No	No	Yes	Premium interactive football and immersive gaming premises with ancillary drinking and dining facilities, in a mixed commercial/residential development situated within the St James Quarter, Edinburgh.  CCx2 LSO BSR Ox1 New Town and Broughton Community Council	Application part heard  Site visit to be arranged  Continued to November Board meeting

**APPLICATIONS TO EXTEND PROVISIONAL PERIOD**

- 4.1 Extension request – 63 Cockburn Street – expiry 20th December 2022 - Granted until 31.03.2023
- 4.2 Extension request – 49 Forrest Road – expiry 31st January 2023 – Granted until 30.04.2023
- 4.3 Extension request – 120 Dundas Street – expiry 27th January 2023- Granted until 31.03.2023
- 4.4 Extension request – 25-27 Bread Street – expiry 26th November 2022 – Granted until 30.04.2023
- 4.5 Extension request – 274 Canongate – expiry 26th November 2022 – Granted until 30.04.2023
- 4.6 Extension request – 85-87 South Bridge – expiry 30th November 2022 – 31<sup>st</sup> December 2022

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

**28 November 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 Mr R. Stanley Ms F. Allen Mrs S. Shad	

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**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Continued Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	474627	Netherview Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	16 Home Street, Edinburgh, EH3 9LY	No	No	Yes	Amend premises description, commence licensed hours from 11:00 each day, bar meals, receptions and club meeting as activities; remove adult entertainment as an activity; permit children and young person access; amend wording for column answerd 'yes' further details tab.  CC LSO BSR Ox2 Mr S McPherson Tollcross Community Council	

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**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	476148	Delicacies Deli Ltd	Brodies LLP Capital House, 58 Morrison Street, West End, Edinburgh, EH3 8BP	Gf, 95 George Street, New Town, Edinburgh, EH2 3ES	No	No	Yes	Amend terminal hr for on sales, amend seasonal variations, add bar meals and club meetings within and outwith core hours, amend details of other activities permitted on the premises within and outwith core hours, provide that takeaway facility will be provided prior to and during core licensed hours for persons attending the premises and telephone/online orders for collection/delivery. Alcohol will only be sold with food for takeawy purposes"; amend details of children and young persons accesss, amend capacity, Amend description of premises  CC	



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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
								LSO BSR Ox1 New Town and Broughton Community Council	

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**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	484362	Scotsman Group PLC	Brunton Miller Herbert House, 22 Herbert Street, Glasgow, G20 6NB	137-139 Cowgate, Edinburgh, EH1 1JS	No	No	Yes	To amend premises description; to amend wording at O2 Operating Plan regarding references to layout plans; Amend Q5 of operating plan to answer "no" in column 4 for certain activities (receptions, club or other meetings, live performances, dance facilities, theatre, films, gaming, indoor/outdoor sports, outdoor drinking facilities; amend wording in the expansion box to Q5; to amend layout plan to show areas trading until 3am  CC LSO BSR Ox1 Old Town Community Council	

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	477292	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	19-21 Glasgow Road, Edinburgh, EH12 8HW	No	Yes	No	Amend the description at 5(f) of the operating plan to include delivery services by a third party provider and to specify hours. Amended text at 5(f) as follows: The convenience store will operate during and outside of core hours (on a 24 hour basis) selling grocery products, drinks, tobacco, sandwiches, confectionary, etc. The premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries which include alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the delivery partner	

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**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
								operates a Challenge 25 age verification policy.  CC LSO	

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**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	477297	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	50 Dreghorn Link, Edinburgh, EH13 9QR	No	Yes	No	Amend the description at 5(f) of the operating plan to include delivery services by a third party provider and to specify hours. Amended text at 5(f) is as follows: The convenience store will operate during and outside of core hours (on a 24 hour basis) selling grocery products, drinks, tobacco, sandwiches, confectionary, etc. The premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries which include alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the delivery partner	

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**LICENSING (SCOTLAND) ACT 2005**  
**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
								operates a Challenge 25 age verification policy.  CC LSO	

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

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	477298	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	1 Ferrymuir Gait, South Queensferry, EH30 9QU	No	Yes	No	Amend text at 5(f) as follows: The convenience store will operate during and outside of core hours (on a 24 hour basis) selling grocery products, drinks, tobacco, sandwiches, confectionary, etc. The premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries which include alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the delivery partner operates a Challenge 25 age verification policy.  CC LSO	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	477299	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	143 Crewe Road South, Craigleith, Edinburgh, EH4 2NT	No	Yes	No	Amend the description at 5(f) of the operating plan to include delivery services by a third party provider and to specify hours. Amended text at 5(f) is as follows: The convenience store will operate during and outside of core hours (on a 24 hour basis) selling grocery products, drinks, tobacco, sandwiches, confectionary, hot food (snacks), etc. The premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries which include alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the	



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**LICENSING (SCOTLAND) ACT 2005**  
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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
								delivery partner operates a Challenge 25 age verification policy.  CC LSO	

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.		Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	166 Glasgow Road, Edinburgh, EH12 8LS	No	Yes	No	Amend the description at 5(f) of the operating plan to include delivery services by a third party provider and to specify hours. Amended text at 5(f) is as follows: The convenience store will operate during and outside of core hours (on a 24 hour basis) selling grocery products, drinks, tobacco, sandwiches, confectionary, etc. The premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries which include alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the delivery partner	

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
								operates a Challenge 25 age verification policy.  CC LSO	

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
8.	477398	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	7 Seafield Road, Edinburgh, EH6 7LE	No	Yes	No	Amend the description at 5(f) of the operating plan to include delivery services by a third party provider. Amended text at 5(f) is as follows: The convenience store will operate outside of core hours (24 per day) and during core hours selling confectionary, grocery products, drinks, tobacco, sandwiches, etc. The premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries which include alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the delivery partner operates a Challenge	

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
								25 age verification policy. CC LSO	

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
9.	477708	Ms Ascenza Crolla	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	38 George Street, Edinburgh, EH2 2LE	No	No	Yes	To change condition on amplified music and vocals to "All amplified music and vocals shall be so controlled so as not be an audible nuisance in neighbouring/residential premises". To increase the on sale hours to 3am each day. Remove paragraph in operating plan referring to the area in the middle of George Street. To clarify that there will be outside eating and drinking in the area to the rear of the premises, which does not require a permit, until 10pm. To provide that young persons will be able to remain on the premises until 1am. In addition Children and Young Persons can remain on the premises to the end of a pre-booked	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
								function. To substitute a new layout plan. Amend the description of the premises  CC LSO Ox1 New Town and Broughton Community Council	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
10.	470859	The Red Bus Bistro Co Limited	The Red Bus Bistro Co Limited 32 Davies Acre, East Kilbride, G74 5BZ	Stance ZE - Waterloo Place, Edinburgh, EH1 3EG	Yes	No	No	To add 2nd bus onto the same licence to servise the same route, same time, same layout plan and same operating plan - Include that services are available to children under the age of 7  CC LSO BSR	



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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
11.	478214	Danobe Securities Limited	TLT LLP 80 Hanover Street Edinburgh EH2 1EL	51 George Street, New Town, Edinburgh EH2 2HT	No	No	Yes	Amend description of the premises; Amend Q 5 activities and services as shown on accompanying Operating Plan. Amend/insert explanatory wording after 5 (e) to state: "Restaurant facilities and Bar meals: breakfast service can commence from 7am. Receptions: set up for weddings, funerals, birthdays, retirements etc can commence from 7am. Recorded music-background recorded music can be played from opening (not before 7am). Films can commence from 7am; televised sport can be shown 24 hours (alcohol cannot be served beyond core hours unless an extended hours application has been granted)." At 5 (f) amend/insert wording to include: "Charity events, fashion shows, product launches,	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
								<p>private parties, brunch events might take place. Private dining; tasting and educational tours; learning experiences; promotional activities; media events; TV filming. External deliveries (via third parties such as Deliveroo); Internet sales; point of despatch; home deliveries. Deposit Return Scheme."                      At 6 (b) amend access by Young Persons to 23:00. Amend Q7 Capacity to 300 persons Internal reconfiguration as shown on plan</p> <p>CC                      LSO                      BSR</p>	

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**NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS**

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
12.	478847	Charwood Taverns Limited	TLT LLP 80 Hanover Street Edinburgh EH2 1EL	47 Buckstone Terrace, Edinburgh, EH10 6QJ	No	No	Yes	To delete the "inaudibility condition"; To amend the Sunday on sales hour to midnight from 11pm; To update the wording on Seasonal Variations; To allow conference facilities, bar meals and outdoor drinking outwith core hour; Add wording to Q5 further details on activities provided outwith core hours; To amend wording of Q5(f); Amend wording to Q6(b) terms of children and young persons entry; To amend wording to Q6(d) times of children and young persons entry to premises; To increase the licensed footprint and amend layout plan.  CC LSO	

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

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	474741	New World Trading Co (UK) Ltd	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	St Andrews Hall, 3 St James Place, New Town, Edinburgh, EH1 3JH	No	No	Yes	Premium pub, bar and restaurant in mixed commercial/residential development situated within the St James Quarter, Edinburgh.  CCx2 LSO BSR Ox1 New Town and Broughton Community Council	

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

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	474742	Edinburgh St James Hotel (GP) Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	Unit 4.02A, 416 St James Crescent, New Town, Edinburgh, EH1 3AE	No	No	Yes	Premium interactive football and immersive gaming premises with ancillary drinking and dining facilities, in a mixed commercial/residential development situated within the St James Quarter, Edinburgh.  CCx2 LSO BSR Ox1 New Town and Broughton Community Council	

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

**28 November 2022**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	477275	Mr Adnan Majeed	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	16 Newkirkgate, Edinburgh, EH6 6AD	No	Yes	No	Retail unit located within the Newkirkgate Shopping Centre, at the foot of Leith Walk.  CCx2 LSO BSR	

**Applications  
called for 11:30**

**THE CITY OF September EDINBURGH  
LICENSING BOARD  
LICENSING (SCOTLAND) ACT 2005  
PERSONAL LICENCE APPLICATIONS  
28 November 2022**

**Continued New Applications**

No	Reference	Applicant	Agent Details	Comments	Decision
1.	479862	Mr Paramvir Singh	Macdonald Licensing	CC	
2.	480595	Mr Charles David Alan Clydesdale		CC	

**New Applications**

No	Reference	Applicant	Agent Details	Comments	Decision
1.	480934	Mr Matthew Thomas Bisset		CC	
2.	477185	Mr Bhupinder Singh		CC	

3.	484799	Mr Scott Kyle		CC	
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## 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.

**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 holder has indicated they will provide information to the Board to support the licence holder's request 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 to consider the duration of any extension period.

**4. Background Papers**

- 4.1 Extension request – Maki & Ramen, 37 Leith Street – expires end January 2023

**Depute Clerk of the Licensing Board**

## 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 and he is not currently believed to be working in the West Dunbartonshire Board area, 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. 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. Mr Mackenzie was invited to attend the Board meetings on 26<sup>th</sup> September and 31<sup>st</sup> October 2022, but failed to attend and has not responded to communications sent to him. It is suggested that if he is not in attendance at the meeting on 28<sup>th</sup> November the Board should proceed to deal with the matter in his absence.

**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.

PERSONAL LICENCE REFERRAL – SECTION 84 – LEITH MCKENZIE

**4. Background Papers**

4.1 Letter from West Dunbartonshire Licensing Board – 5<sup>th</sup> May 2022.

**Depute Clerk of the Licensing Board**

PREMISES LICENCE REVIEW HEARING – BEST ONE, 301 LEITH WALK,  
EDINBURGH

PERSONAL LICENCE REVIEW HEARING – MUHAMMAD TAHIR SHARIF

## 1. Purpose

- 1.1 To advise the Board of the requirement to hold a hearing on a premises licence review application for the premises 301 Leith Walk, Edinburgh.
- 1.2 To set out the options available to the Board, if it considers it necessary to take any action with the premises licence at the conclusion of the hearing.
- 1.3 To advise the Board of a connected application for review of the personal licence of Muhammad Tahir Sharif.
- 1.4 To set out the options available to the Board, if it considers it necessary to proceed with a hearing on the personal licence.

## 2. Main Report

- 2.1. The grounds for review of a premises licence are:-
  - (a) that one or more of the licensing conditions has been breached;
  - (b) that having regard to the licensing objectives the premises licence holder is not a fit and proper person to hold the licence; or
  - (c) any other ground relevant to the licensing objectives:-
    - preventing crime and disorder,
    - securing public safety,
    - preventing public nuisance,
    - protecting and improving public health, and
    - protecting children and young persons from harm.
- 2.2. The Board may reject an application for review if it is considered that it is vexatious or frivolous, or that it fails to disclose matters relevant to the statutory grounds for review. The Board's Statement of Licensing Policy delegates this decision to the Convener. The decision was made by the 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 Police Scotland. The premises licence holder is Muhammad Tahir Sharif. A copy of the review application has been sent to him along with a copy of this report.
- 2.4. A copy has also been sent to the Council's LSOs in order that a report can be provided by the LSOs. This will be submitted to the Board for consideration
- 2.5. In carrying out a review hearing, the Board should first hear from the police representative. The Board should then hear the LSO report and finally from the licence holder 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:-

PREMISES LICENCE REVIEW HEARING – BEST ONE, 301 LEITH WALK,  
EDINBURGH

PERSONAL LICENCE REVIEW HEARING – MUHAMMAD TAHIR SHARIF

- (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.

2.6 The police have submitted a separate application for review of Mr Sharif's personal licence and a copy of the police letter is provided for the Board's consideration.

2.7 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.

2.8 If it is considered, having regard to the licensing objectives, that the licence holder is no longer fit and proper to hold the licence, the Board must 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;
- (c) to decide whether to hold a personal licence review hearing;
- (d) in the event it does so, to decide what action requires to be taken.

### **4. Background Papers**

- 4.1 Application for review of premises licence, dated 4<sup>th</sup> October 2022
- 4.2 Application for review of personal licence, dated 4<sup>th</sup> October 2022

**Depute Clerk of the Licensing Board**