

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

MONDAY 31st OCTOBER 2022

Start time: 9.30am

LOCATION: DEAN OF GUILD ROOM

AGENDA

NOTE: It is intended items 1-3 below will be webcast and considered by the Board from 9.30am. The remainder of the meeting will not be webcast.

1. Chief Constable's Annual Report
2. Reconstitution of Licensing Forum – verbal update from Regulatory Services Manager
3. Referral of Motion from Council – report from Depute Clerk
4. Convener's Update
 - Policy consultation
 - Meeting with Licensing agents
 - Occasional licences
5. Minutes of meeting of 26th September 2022 and matters arising
6. Applications - details as set out in separate list
7. Requests for Extension of Provisional Premises Licences – report from Depute Clerk
8. Personal Licence – Section 84 Hearing – Leith McKenzie
9. Personal Licence – Section 84 Hearing – Mohammed Adel Moussa
10. Personal Licence – Section 84 Hearing – Kerry Killen

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>

EDINBURGH

Licensing Report

2021-2022



POLICE
SCOTLAND
Keeping people safe

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2021/22, in accordance with Section 12(A) Licensing (Scotland) Act 2005. Throughout this year Local Authorities and Police Scotland worked hard to support licensed premises in their road to recovery as Covid-19 restrictions were being lifted.

Collaboration is vital to ensure these businesses can flourish, providing much needed employment for our communities as well as a safe environments for people to socialise. Police Scotland will continue to work closely with Local Authorities, as well as other stakeholders, to ensure there is a fair and consistent approach across all 32 Local Authorities throughout Scotland to aid this recovery. Preventing alcohol fuelled violence, disorder and antisocial behaviour remains a priority for Police Scotland and I believe that working together we can reduce this through early intervention and enforcement.

I would like to take this opportunity to thank our local partnerships and the good work they carry out. With their support Police Scotland and partners can continue to drive improvements in licensing. I will continue to ensure that all officers and staff recognise the importance of working together with key partners, including the Licensing Trade, in an effort to improve licensing standards nationally.

Mr Iain Livingstone QPM

Chief Constable

Police Service of Scotland

Police Scotland Licensing Overview –

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the

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illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2021/2022, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Working closely with Licenced Premises and Scottish Government to navigate the challenges of the COVID-19 pandemic through the 4Es approach by engaging, explaining, educating and enforcing.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management. Police Scotland are currently working on an upgrade to the National ICT system to ensure compliance with GDPR legislation.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

LICENSING BOARD AREA

The Licensing Board area is policed by Edinburgh (E) Division.

Chief Superintendent Sean Scott is the Divisional Police Commander who has the responsibility for all day-to-day policing functions.

Senior Officers

The senior officers holding responsibility for licensing within the area of E Division are as follows:

Head of Department: Superintendent David Robertson – Specialist Operations

Chief Inspector David Happs – Licensing and Events

The Licensing Department is based at St. Leonard’s Police Station and consists of:

Inspector Robert Innes, Sergeant Marc Copland, 3 Police Constables and 4 Divisional Licensing Administrators.

Local Policing Priorities

Following our public consultation process, the policing priorities for E Division, as set out in our Local Policing Plan are as follows;

- Addressing violence
- Reducing drug harm and targeting supply
- Tackling housebreaking and acquisitive crime
- Dealing with disorder and antisocial behaviour
- Making our roads safer

In response to the local policing priorities, E Division will continue to address violence, focusing on alcohol related violence, as well as dealing with disorder and antisocial behaviour related to the sale and consumption of alcohol. It is recognised that education, prevention, partnership working and robust policing are all key factors in reducing crime and disorder in this area.

Edinburgh Licensing Board Statistics 2021/22

The Edinburgh Licensing Board area had 7,909 personal licence holders and 1,952 premises licences as of 31st March 2022. This includes 399 on-sale, 485 off-sale and 1,068 on and off sale.

SUMMARY OF APPLICATIONS, PREMISES AND PERSONAL LICENCE REVIEWS

Section 20 - Application for premises licence

Each application received from the Licensing Board is scrutinised by the Divisional Licensing Team. Where relevant, objections and representations are made to the Board, paying particular attention to both relevant convictions and the five licensing objectives:

- Preventing crime and disorder.
- Securing public safety.
- Preventing public nuisance.
- Protecting and improving public health.
- Protecting children and young persons from harm.

Within the limits permitted by the legislation, the Chief Constable will highlight all relevant information before the Board to afford the fullest picture of the applicant/application to be considered in any subsequent deliberations.

In the year 1st April 2021 to 31st March 2022, the following applications were received and processed by the police licensing team for consideration of the Edinburgh Board.

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Type of application	No.		No. of Police Representations		No. of Police Objections	
	20-21	21-22	20-21	21-22	20-21	21-22
New Premises Licence	1	4	1	4	0	0
Provisional Premises Licence	64	70	64	63	0	1
Major Variations	61	111	61	61	0	0

Type of application	Granted		Partially Granted / Amended		Refused		Withdrawn	
	20-21	21-22	20-21	21-22	20-21	21-22	20-21	21-22
New Premises Licence	1	4	0	0	0	0	0	0
Provisional Premises Licence	43	50	16	19	0	1	5	0
Major Variations	45	94	15	14	0	0	1	3

Section 56 - Occasional Licences

Occasional Licences are traditionally used during the many significant events and festivals held in Edinburgh each year, to allow the use of ‘pop up bars’ and other spaces not normally licensed to cater for the increase in visitors and tourism in the city.

In the year 1st April 2021 to 31st March 2022, the following applications were received and processed by the police licensing team for consideration of the Board.

Type of application	No.	No. of Police Representations	No. of Police Objections	Granted	Refused	Withdrawn
Occasional	4857	4191	0	4828	4	25

Section 68 – Extended Hours Licences

Extended Hours applications are routinely used when premises seek an extension to their permitted hours to cater for special events or occasions, or special events of local or national significance.

With the return of Edinburgh’s Festivals in 2021, albeit on a much smaller scale, in the wake of the Covid-19 pandemic, Edinburgh Licensing Board set dates for ‘Seasonal Variations’ during August 2021. This permitted premises who elected to have seasonal variations to trade for 2 hours longer at the end of their core licensed hours.

Extended hours applications that are out with seasonal variations and that do not fall within Board Policy of only 1 extra hour trading can contribute to increased anti-social behaviour (ASB) and increased disruption to residents of the city. Consequently, Police Scotland often object to a high number of extended hours requests that do not

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fall within Board Policy. Many premises submit several extended hours applications in relation to one event, for example Hallowe'en or St Patrick's Day, where the date itself does not fall on a weekend. Often premises apply for extended trading on the date, as well as days either side, or the full weekend, again increasing the likelihood of ASB and public nuisance, therefore Police Scotland tend to object to this type of application.

In the year 1st April 2021 to 31st March 2022 the following applications were received and processed by the police licensing team for consideration of the Board.

Type of application	No.	No. of Police Representations	No. of Police Objections	Granted	Refused	Withdrawn
Extended Hours	95	53	31	94	1	0

Section 72 - Personal Licence Applications

In line with the legislation, close scrutiny is made by the Divisional Licensing team, paying particular attention to relevant convictions and the five licensing objectives. In general, if an applicant has no relevant convictions, the Police will not provide any representation or objection. If the applicant has relevant convictions, Police will either provide a representation confirming those convictions, or they will object to the granting of the licence, based on the nature of the conviction, and whether or not they believe the person to be 'fit and proper' to hold a licence.

In the year 1st April 2021 to 31st March 2022, the following applications were received and processed by the police licensing team for consideration of the Board.

Type of application	No.	No. of Police Representations	No. of Police Objections	Granted	Refused	Withdrawn
Personal Licences	767	7	4	763	3	1

Crime and Disorder during the Night Time Economy (NTE)

Excessive consumption of alcohol is recognised as a significant factor in levels of crime and disorder, particularly during the NTE. This manifests itself in public space violence and disorder in areas densely populated with licensed premises or private space crime where individuals consume large quantities of cheaper alcohol from off sales.

Ordinarily, alcohol fueled crime is most visible at weekends within the City Centre. To manage this, a dedicated policing plan 'Operation Nightguard', is implemented every Friday and Saturday night purely to police the NTE, with officers from outlying areas of the City brought in to the City Centre to resource the operation.

During Operation Nightguard, we continue to work closely with partners to ensure those partaking in Edinburgh's NTE remain safe and have an enjoyable night out. During the review period, police have carried out joint patrols with City of Edinburgh Council (CEC) Licensing Standards Officers (LSO), Environmental Health Noise

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Teams and Security Industry Authority (SIA) enforcement teams. As well as working closely with CEC's citywide CCTV operators, including the mobile CCTV van, taxi marshals, and volunteer welfare providers Street Assist. This collaborative approach to keeping people safe is a vital tool in ensuring the continued safety of residents and visitors to Edinburgh.

Drunkenness/Disorder Offences

It is important to note that the following figures relate to offences under Licensing (Scotland) Act 2005. Offences in the proximity of, or within licensed premises, that do not fall under Licensing (Scotland) Act 2005 are not included.

Over the period covering 1st April 2021 to 31st March 2022 for the Board area, the following licensing offences related to drunkenness and disorder were recorded.

Offence	2020-21	2021-22
Section 111 - Drunk persons entering or in premises on which alcohol is sold	0	1
Section 111(2) -Drunk and Incapable on relevant premises	0	0
Section 112 - Obtaining alcohol by or for a drunk person	0	0
Section 113 - Sale of alcohol to a drunk person	0	0
Section 114 - Premises manager, staff not to be drunk	1	0
Section 115 - Drunk/Disorderly conduct on premises	0	6
Section 116 - Refusal to leave licensed premises	9	32
Section 138 - Obstructing Constable entering premises	0	0
Total	10	39

The figures in the above table indicate no offences committed by any staff members of premises, and shows the ongoing partnership working and success of the support between the Police and the licensing industry.

Section 94 - Think Twice Bail / Exclusion Orders

When an individual is charged with a violent offence on licensed premises within the Edinburgh city centre ward, a senior officer will consider the offence and decide whether a 'Think Twice' bail condition is justified, proportionate and necessary in the circumstances. The bail condition prevents the person from entering, or attempting to enter any licenced premises within Edinburgh city centre ward where the licence permits the sale and consumption of alcohol on any part of the premises. A request is made to the Procurator Fiscal seeking a continuance of the conditions until the case is concluded.

The reporting officers also request an exclusion order within the Police report, requesting that the accused person be excluded on conviction from licensed premises in the area where the offence was committed, for a period of time the court sees fit.

Section 97 - Closure Orders

There have been no closure orders implemented during the reporting period.

Applications for Review of Licence

Section 36 – Premises

During the reporting period 1 application for a premises licence review was made to the Board by Police Scotland.

This was in relation to a premises where there was continued non-cooperation with police after a serious offence occurred within the premises, where staff, and the manager in particular, refused to co-operate with the police investigation.

The Board decided to issue a written warning to the premises.

Section 84 – Personal

During the reporting period 1 application for a review of a personal licence was made to the Board by Police Scotland.

This related to the manager for the above premises due to their obstructive and uncooperative behaviour. The Board decided to suspend their licence for 28 days.

Licensed Premises Incidents and Inspections

Section 138 Licensing (Scotland) Act 2005 allows a police officer entry to any premises licensed under the act to ensure they are operating in a manner consistent with the Licensing Objectives and licensing legislation.

Licensed Premises Inspection Reports are completed by operational police officers who have visited a premises pro-actively, to provide advice and support to staff, addressing any issues identified.

Licensed Premises Incident Reports are also completed by officers in response to calls made by members of the public, or premises staff reporting an ongoing incident.

Inspections and Incidents are recorded on a police IT system called Innkeeper. This allows officers to record their observations following the visit and detail the actions of staff in dealing with incidents that occur. The information is then forwarded to the Police Licensing Department for their information and any subsequent monitoring or action.

Inspections are also carried out by Police Licensing Officers as a supportive measure in response to concerns raised by an initial incident, or inspection report, or as a routine pro-active licensing inspection.

The following table provides information on the number of incidents and inspections recorded on Innkeeper for the reporting period.

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Type	2020-21	2021-22
Incident	374	764
Inspection	547	454
Total	921	1218

Police Scotland also records incidents where alcohol has been stolen from a licensed premises, usually recorded as a theft by shoplifting, however the numbers above do not include incidents of theft.

Interaction and Intervention

On every occasion an issue or incident at a Licenced Premises is highlighted, the Police Licensing team consider whether a problem solving approach could be implemented that would prevent similar incidents or issues reoccurring. Applying a problem solving approach to licenced premises where issues have arisen can often result in an improvement in standards and practices without recourse to a formal review hearing at a Licensing Board. In addition it ensures Police Scotland have utilised a fair and incrementally evidenced based approach to resolve the problem through a range of options.

On reviewing incidents at licensed premises, Police Scotland consider a range of options depending on several factors. This includes the seriousness or nature of the incident, the number of recent incidents and the action or inaction by staff that may have contributed to the incident. Options available to Police are:

- No Action This may be considered where the issue was unavoidable and no fault of the premises, or if it is clear the Designated Premises Manager (DPM) or Premises Licence Holder (PLH) has already rectified the issue.

- Interaction Will involve either communication with the PLH or DPM, or attendance at the premises to discuss the issue or incident. Advice and feedback are provided and no further action is deemed necessary.

- Monitored Having examined the circumstances, consideration may be given to grading the premises as 'Monitored'. This may be a result of Police requesting action from the premises to address an issue, or where a tasked inspection regime is deemed necessary to monitor the premises over a set period of time. If the issue is successfully rectified, then the requirement for 'monitored' status is removed.

- Intervention If the issue or incident is serious, then consideration is given to proceeding straight to intervention. Intervention may also result from a culmination or continuation of events whilst the premises is being monitored. A formal meeting takes place with the PLH and/or DPM and any other interested party, including a legal agent, during which the issue or incident is discussed at length and a formal action plan is drawn up to ensure the issue does not persist. Police can share helpful material and advice to support the premises during an intervention period in attempt to prevent the matter progressing to premise licence review hearing. At the end of the intervention period, police can extend, end, or move to a

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premises licence review request, depending on the progress made throughout.

Problematic After Intervention, if issues cannot be rectified by the premises, it may be deemed necessary to consider a premises to be 'problematic'. In some rare cases, the incident or issue may be serious enough that a premises would be deemed problematic without having gone through an intervention. In either case, this would trigger a premises licence review request to the Licensing Board. All efforts are made by Police Licensing team to prevent the requirement for a premises licence review request, and it is often seen as a last resort should issues or incidents at a premises persist.

It is important to note that the Police Licensing Team often make contact with premises and their staff to highlight and thank them for their efforts, with the vast majority of engagement with licence holders being positive, encouraging them to continue their effective management practices.

Partnerships

The Licensing Team, supported by local policing officers, promote Police Scotland's Policing priorities in conjunction with the five licensing objectives and the overarching principles and aims of the Licensing (Scotland) Act 2005.

The Licensing Team maintain a positive working relationship with the Licensing Standards Officers (LSO's). Both teams meet on a regular basis to share information and over the reporting period numerous joint inspections of licensed premises in the Board area were conducted.

Edinburgh Division Licensing Department works in partnership with the following groups and organisations to jointly improve local licensing issues:

- Edinburgh Licensing Forum;
- Licensing Standards Officers;
- Edinburgh Drug and Alcohol Partnership;
- Edinburgh Community Safety Partnership;
- Street Assist;
- Pubwatch initiatives;
- Best Bar None initiative;
- Community Alcohol Partnership initiative (CAP);
- Security Industry Authority; (SIA)
- NHS Lothian;
- Scottish Ambulance Service;
- Scottish Fire and Rescue Service;
- Border Force/Immigration Enforcement;
- HMRC;
- Gambling Commission

Bystander Training

Bystander training aims to provide understanding and support to staff working within licensed premises, including door staff, to help identify opportunities to intervene if they believe a person to be at risk, or vulnerable to sexual or violent harm from another. Training has previously been provided to University students and encouraged them 'not to be a bystander'.

Throughout the reporting period, Edinburgh Police Licensing Department carried out Bystander training to staff from various premises. This was deemed necessary due to the high turnover in staff in the wake of the Covid-19 pandemic, as well as an increase in the reporting of alleged spiking incidents both nationally and in Edinburgh.

PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons via problem premises or by proxy (agent purchase). Working with our partners, we take appropriate action to address both the potential and actual misuse of alcohol within early years.

Edinburgh Community Alcohol Partnerships (CAP) have continued to expand across the division and continued their successful work during the reporting period to prevent underage sales through education and partnership work with licensees.

A National Proxy Purchase Campaign took place in the lead up to school holidays in October 2021. Police and partners engaged with premises to raise awareness of the issue of adults buying alcohol for children and young people. This involved provision of education, support and advice to premises, as well as using local and social media to highlight the impact on communities, in an effort to reduce proxy purchases in the division. A further Proxy Purchase Campaign is set to take place throughout the summer of 2022.

Police Scotland has the capability to carry out test purchase operations on an intelligence led basis. When intelligence is received about premises selling alcohol to persons under 18, the first stage in the process is to issue a warning letter to the premises. This is usually hand delivered by a member of the police licensing team who will inspect the premises and discuss expectations regarding responsible sale of alcohol with the licensee. Only when intelligence continues to be received should a test purchase operation be implemented.

School Link Officers are seen as one of the main links between the police and children and young people in Edinburgh. Edinburgh Licensing Department continue to work with School Link Officers across Edinburgh to provide education and support to students around the dangers of alcohol, both on their health and to their community.

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Over the reporting period 2021-22 for the Board area the following licensing offences relating to the Sale or Supply of Alcohol to Children or Young People were recorded:

Offence	2020-21	2021-22
Section 102 – Sale of alcohol to a child or young person	0	1
Section 103 – allowing the sale of alcohol to a child or young person	0	0
Section 104 – buy alcohol for a child or young person	3	3
Section 105 – Purchase of alcohol by or for a child or young person	0	0
Section 106 – Consumption of alcohol by a child or young person	0	0
Total	3	4

The offence under Section 102 – Sale of alcohol to a child or young person is currently subject to ongoing criminal proceedings. Once these proceedings have concluded, the full circumstances will be reported to The Board.

TACKLING SERIOUS AND ORGANISED CRIME

Serious and organised crime has far reaching consequences that affect a large proportion of society and the economy. Those involved have spread their activity into an increased variety of criminal enterprises including illegal drugs, money laundering, fraud, human trafficking, fake goods and the licensed trade.

It is important to highlight that all applications submitted in respect of the Licensing (Scotland) Act 2005 are scrutinised in terms of the applicant (whether individuals or companies), the premises and the activity applied for to minimise the risk of organised criminals infiltrating the licensed trade.

Serious and Organised Crime Groups (SOCG) present a clear threat to the licensed trade in Edinburgh. Police continue to target known criminality in this area as well reduce the opportunity for individuals to exploit legitimate licensing opportunities for their own illegitimate means.

Edinburgh Division Licensing Department works closely with the Divisional CID Proactive team as well as the Organised Crime and Counter Terrorism Unit (OCCTU) to act at the earliest opportunity to disrupt criminals who are believed to be running or involved in licensed premises. Where this can be evidenced, police licensing will provide the Licensing Board with information in an attempt to prevent or remove known criminals from premises.

Edinburgh Division continues to carry out targeted premises visits and initiatives to ensure they operate in line with licensing legislation. Such visits may also involve partner agencies including HMRC, Council LSO's, Council Environmental Health, Fire Service, DVLA, SIA and Immigration Enforcement. During the reporting period, there have been joint initiatives with Immigration Enforcement to tackle illegal workers within licensed premises and the Scottish Fire and Rescue Service to improve safety in relevant establishments.

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As a result of joint visits with SIA, two persons were reported to COPFS in relation to operating as a door steward without a licence.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Throughout the coming year, Edinburgh Division Licensing Department will continue to focus on the Divisional and National Policing Priorities, set out by Local and National Policing Plans, specifically Addressing Violence and Public Order & Safety, in connection with the consumption of alcohol.

We will do this by carrying out the following proposed activities in the coming year:

- Continue to work in partnership with LSO's to provide quality and consistent advice and support to licensed premises and their staff, including education in legislation, licensing objectives, and dealing with incidents occurring within their premises.
- Continue to work closely with Community Alcohol Partnerships (CAP's) throughout the city.
- Work with partners to deliver a successful Proxy Purchase Campaign, raising awareness and education in relation to adults who buy alcohol for children and young persons.
- We will continue to engage with all partners involved in the licensed trade and work together with them to uphold the five licensing objectives and the spirit of the 2005 Act, to ensure the safety and wellbeing of the people of Edinburgh.
- Deliver personal safety initiatives, such as Bystander Training to licenced premises staff in the city, to protect vulnerable persons within licensed premises and help tackle sexual violence connected to alcohol consumption.
- Edinburgh Police Licensing Department will look to lead a Test Purchase Operation in the city, in response to relevant intelligence received regarding children and young people purchasing alcohol.
- Engage with major event and festival organisers to agree Alcohol Management Plans for events held across the city. These help control the risk around selling alcohol at events, ensuring compliance with legislation and safe event delivery.
- Edinburgh Police Licensing Department will continue to raise objections, representations and other appropriate concerns in relation to applications to the board for all types of alcohol licences.

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To conclude I would like to thank you for your continued support during what has been a challenging year for us all. We have adapted and embraced new ways of working and ever changing circumstances. I look forward to a safe and healthy 2022/2023.

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REPORT - REFERRAL OF A DECISION OF CITY OF EDINBURGH COUNCIL TO THE
LICENSING BOARD

1. Purpose

1.1 To advise the Board of a decision of Council on 17 March 2022 relating to the “Get Me Home Safely Campaign” and to suggest what action the Board may wish to take. It should be noted that unfortunately, there has been a delay in bringing this decision to the attention of the Board due to an administrative oversight given the time lapse from the last Council meeting to the appointment of the new Board.

1.2 The decision referred to is set out below: -

25 Get Me Home Safely Campaign - Motion by Councillor Watt

The following motion by Councillor Watt was submitted in terms of Standing Order 17:

“Council: Notes the “Get Me Home Safely Campaign” and that journeys to or from work at night can expose workers to violence, the threat of violence or fears about personal safety and security.

Research referenced by the campaign found that women feel particularly vulnerable when travelling to and from work. Waiting at a bus stop in the dark, walking home at night or having to park their car in an isolated spot means being exposed to the risk of harassment and assault.

Notes that East Dunbartonshire Council’s Licensing Board has made safe transport home a requirement of any venue wishing to apply for a new or 1am licence.

Requests a report within two cycles to the Licensing Board, considering options to require applicants for new or extended licences to outline the provisions for ensuring their staff have safe travel home for any shift that ends after 11pm.”

- moved by Councillor Watt, seconded by Councillor Work

Decision To approve the motion by Councillor Watt

2. Consideration by the Licensing Board of the Council’s decision

2.1. The Board will be aware that at the present time informal consultation is underway seeking wide ranging views on the terms of the Board’s current Statement of Licensing Policy. Responses to this consultation will inform any changes to be made to the policy which will then be the subject of further formal consultation in 2023.

2.2. In light of such consultation, the Board may consider that it would be appropriate to include seeking views on the Get the Home Safely Campaign within the scope of the ongoing review.

2.3. If agreed, this will allow the Board to consider what action, the Board may wish to take having regard to the decision of the Council set out at 1.2 above.

3. Recommendation

- 1 It is recommended the Board agrees to: -
 - i) note the decision of the Council on 17 March 2022: and
 - ii) 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

Morag Leck
Depute Clerk of the Licensing Board

MINUTES OF MEETING

MONDAY 26th SEPTEMBER 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

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

In its consideration of items 1 and 8 below, the Board deliberations were broadcast using the Council's webcast system. A copy of the webcast can be viewed [here](#).

1. Report – Commencement of Initial Consultation – Statement of Licensing Policy and Overprovision Assessment

The Depute Clerk referred to a report setting out arrangements for launching the Board's consultation on its statement of licensing policy and overprovision assessment. It was intended the consultation would begin as soon as it could be published on the Council's online consultation hub. A summary document had been prepared for consultees and this was provided for members' consideration.

Board members discussed arrangements for the consultation and in particular the summary document provided for consultees. It was noted it was intended there would be use made of social media to communicate the details of the consultation.

The Board agreed to the publication of the consultation and circulation of the summary document to consultees, and the consultation to continue until 20th December 2022.

2. Minutes and decision list – 29th August 2022

The Minutes and decision list for the meeting of 29th August 2022 were approved.

3. Applications - details as set out in separate list

The details of applications considered by the Board at the meeting on 26th September 2022 are set out in a separate decision list, for approval and to be appended to these minutes.

4. Update Report from LSOs – Merlin Bar, 168-172 Morningside Road

Veronica Macmillan provided the Board with an update on the operation of an external area at the Merlin Bar, which had been requested following grant of a variation application by the predecessor Board earlier in the year. The Board agreed to note the update and that no further action was required.

5. Report – Personal Licence referral – Leith McKenzie

Noting Mr McKenzie was not in attendance, the Board agreed to continue consideration of the report.

6. Report – Review Hearing – Spey Lounge, 39 Leith Walk

The Board noted the details of a review application submitted by the Council's LSOs. Veronica Macmillan presented the terms of the application and the Board heard from Sergeant Stephen, who confirmed he had been asked by the LSOs to provide information connected with incidents at the premises.

The Board heard a detailed presentation from Patrick Robson on behalf of the premises licence holder. Following consideration of all of the representations made the Board agreed to vary the premises licence and also that it should be suspended for a period of two weeks.

In the course of the review hearing the Board made findings that personal licence holders Mohammed Adel Moussa and Kerry Killen had acted in a manner inconsistent with the licensing objectives, and that hearings should be held on their licences at a later date.

7. Report – Review Hearings – Premises Licence Annual Fees

The Board noted there were no further premises requiring review hearings for outstanding annual fees, as these had all now been paid.

8. Update – status of amendments to Licensing (Scotland) Act 2005 during coronavirus pandemic

The Depute Clerk advised the Board of updates to the 2005 Act, following the expiry of a number of amendments which had been brought in by the Coronavirus (Scotland) Act 2020 and associated Regulations. An advice note had been circulated to the Board, and would be published online for general information, confirming for the most part that from 1st October 2022 the licensing regime would revert to operation pre-pandemic.

Other business

Following consideration of item 8, the Board discussed arrangements for circulation of Board agendas. Councillor Booth referred to late circulation of additional papers and the limited time available for their consideration. Board members considered the possibility of setting clear deadlines for applicants and agents providing additional papers. Councillor Booth also asked about

arrangements for publication of Board papers and whether this could be looked at further by the Board.

The Convener suggested that a “ways of working” protocol should be established, and that this could be reported back to the Board at a later date. The Board also agreed that publication arrangements should be looked at, with a view to ensuring transparency in the decisionmaking process.

Councillor Flannery asked about the current status of the Licensing Forum. Mrs Leck advised the Forum membership had been selected and the appointment of a chairperson would be made at their first meeting. The Board agreed to invite Andrew Mitchell, Regulatory Services Manager to the next meeting to provide an update.

9. Urgent items – Requests for Extension of Provisional Period

The Board noted there were two requests for extension of provisional period where licences would otherwise expire prior to the next available Board meeting. The Board agreed to the extension requests in each case, as follows:-

15 Salisbury Place, Edinburgh – extended to 28th April 2023

1 Palmerston Place, Edinburgh – extended to 28th April 2023

AGENDA ITEM 5 ◆ **EDINBURGH** ◆
LICENSING BOARD

Licensing Board membership:

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

General information about the Licensing Board's meeting dates, Policies, etc is available online:-

<https://www.edinburgh.gov.uk/licences-permits/edinburghs-licensing-board/1>

PREMISES LICENCE VARIATION APPLICATIONS (CONTINUED FROM 29 AUGUST 2022)

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	<p>Change the Description of the premises to: "City Centre venue offering food and entertainment".</p> <p>Amend the terminal licensed on-sales hour on Thursday-Saturday from 1am to 3am</p> <p>Add Restaurant Facilities as an activity</p> <p>Add Films as an activity</p> <p>Amend Children and Young Persons access to 8pm and all public parts of premises</p> <p>CC LSO Ox1</p>	<p>GRANTED</p> <p>Board noted licence holder agreed to amend seasonal variation, confirming no extension to licensed hours Thur-Sat</p> <p>Board also noted provision of photobooth on premises</p> <p>Operating plan to be amended to confirm the above.</p> <p>Undertaking from agent – (1) fireguard or similar to prevent children's access to pizza over, (2) signage at bar to discourage children's access, (3) fire exit door on ground floor to be alarmed</p> <p>Cllr Booth moved grant but with hours to remain unchanged. No seconder. Dissent noted.</p>

PREMISES LICENCE VARIATION 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	The Globe, 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	GRANTED Capacity: 90 (65 ground floor and 25 lower ground floor)

PREMISES LICENCE VARIATION 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	Single storey bar/restaurant located in a retail leisure complex serving food and drink all day. To reduce capacity; increase in footprint of premises; to change premises address CC LSO BSR	GRANTED Capacity: 490

PREMISES LICENCE VARIATION 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	CONTINUED at agent's request. Next calling date to be confirmed.

PREMISES LICENCE VARIATION 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	GRANTED
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	GRANTED

PREMISES LICENCE VARIATION 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	GRANTED Amended OP to be provided in line with Police Scotland comments, confirming children's access until 2300 and young persons' until 0100.

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	GRANTED Capacity: 62m shelving Additional condition: "All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises"
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	GRANTED Capacity 20 persons Additional condition: "All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises" Agent provided amended operating plan confirming specific operation mode of operation of premises. Division – grant – Cllrs Young, Rust, Cameron, Fullerton, Key, Work Refuse – Cllrs Booth, Flannery

PROVISIONAL PREMISES LICENCE APPLICATIONS

26 September 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
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	GRANTED Capacity – 200 persons Additional condition: “All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises” Undertaking from applicant to provide contact details for residents.

Personal Licences - Continued New Applications

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

New Application

No	Reference	Applicant	Agent Details	Comments	Decision
1.	479862	Mr Paramvir Singh	Macdonald Licensing	CC	CONTINUED

Applications called for 10:30

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	

Applications called for 10:30

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
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	

Applications called for 10:30

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	

Applications called for 10:30

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
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	

Applications called for 10:30

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
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	

Applications called for 10:30

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
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	

Applications called for 11:00

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
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	

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
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	

Applications called for 11:00

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
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	

Applications called for 11:00

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	

Applications called for 11:00

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. CC 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

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. CC x2 LSO BSR Ox1 New Town and Broughton Community Council	

**Applications
called for 11:30**

THE CITY OF September EDINBURGH
LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
PERSONAL LICENCE APPLICATIONS
31 October 2022

Continued New Applications

No	Reference	Applicant	Agent Details	Comments	Decision
1.	474739	Mr Dillon Laing		CC	
2.	479862	Mr Paramvir Singh	Macdonald Licensing	CC	

New Applications

No	Reference	Applicant	Agent Details	Comments	Decision
1.	480595	Mr Charles David Alan Clydesdale		CC	

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 provided information to support the licence holders' requests for extension and this will be supplied to the Board along with this report. Details of the requests have also been communicated to the Council's Building Standards Team for information and to allow any comment to be made if necessary.

3. Recommendation

- 3.1 The Board is required:-
 - (a) To consider the terms of the provisional extension requests; and
 - (b) To decide on durations for extensions, in the event the Board is satisfied with the explanations provided in each case.

4. Background Papers

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

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 meeting on 26th September 2022, but failed to attend and has not responded to communications sent to him.

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 – 5th May 2022.

Depute Clerk of the Licensing Board

PERSONAL LICENCE REVIEW – SECTION 84 – MOHAMMED ADEL MOUSSA

1. Purpose

- 1.1 To advise of a requirement to hold a hearing on Mohammed Adel Moussa's personal licence.

2. Main Report

- 2.1. Mohammed Adel Moussa holds a personal licence issued by the Edinburgh Licensing Board. At its meeting on 26th September 2022 the Board held a premises review hearing for the Spey Lounge, premises at which Mr Moussa works and is the tenant.

- 2.2. In the course of the review hearing the Board made a finding that Mr Moussa had acted in a manner considered to be inconsistent with the licensing objectives, in particular preventing public nuisance. Accordingly the Board agreed it would be necessary to hold a separate hearing on his licence.

- 2.3. 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.

- 2.4. 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 should:-

- (a) hold a hearing on Mr Moussa's personal licence, allowing him the opportunity to be heard; and
- (b) decide what action should be taken, having regard to the licensing objectives.

4. Background Papers

- 4.1 Premises licence review application – Spey Lounge

Depute Clerk of the Licensing Board

PERSONAL LICENCE REVIEW – SECTION 84 – KERRY KILLEN

1. Purpose

- 1.1 To advise of a requirement to hold a hearing on Kerry Killen's personal licence.

2. Main Report

- 2.1. Kerry Killen holds a personal licence issued by the East Lothian Licensing Board. At its meeting on 26th September 2022 the Board held a premises review hearing for the Spey Lounge, premises at which Ms Killen works. As Ms Killen works as a personal licence holder in the Board's area, it is able to hold a hearing on her licence.

- 2.2. In the course of the review hearing the Board made a finding that Ms Killen had acted in a manner considered to be inconsistent with the licensing objectives, in particular preventing public nuisance. Accordingly the Board agreed it would be necessary to hold a separate hearing on her licence.

- 2.3. 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.

- 2.4. 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 should:-

- (a) hold a hearing on Ms Killen's personal licence, allowing her the opportunity to be heard; and
- (b) decide what action should be taken, having regard to the licensing objectives.

4. Background Papers

- 4.1 Premises licence review application – Spey Lounge

Depute Clerk of the Licensing Board