

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

MONDAY 30th JANUARY 2023

Start time: 9.30am

LOCATION: DEAN OF GUILD ROOM

AGENDA

NOTE: It is intended items 1-4 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. Verbal Update – Policy Consultation
3. Proposed Board Meeting Dates – 2023/24
4. Minutes of meeting of 28th November 2022 and matters arising
5. Applications - details as set out in separate list
6. Occasional Licence Referral – Biscuit Factory, 4-6 Anderson Place
7. Transfer Application – 88 Lothian Road
8. Premises Licence Review Hearing – Spey Lounge, 39 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>

REPORT – SCHEDULE OF MEETINGS – 2023/24

1. Purpose

- 1.1 To advise the Board of the requirement to agree meeting dates for 2023/24;
- 1.2 To ask the Board to agree a schedule of meeting dates for 2023/24 as listed in the appendix 1 to this report.

2. Main Report

- 2.1. The Council's Committee Services team have prepared a draft calendar for Council and its committees, and this includes proposed meeting dates for the Board for the latter part of 2023 and into 2024. Details are set out in column two of appendix 1 to this report.
- 2.2. The Board is asked to consider the proposed dates as set out in appendix 1 and to agree these dates, and to note these will require to be approved by the Council at its meeting in February 2023.

3. Recommendation

- 3.1 The Board is asked:-
 - (a) To agree the amended set of Rules and draft schedule for Board meetings for 2023/24 as attached.

4. Background

- 4.1 Licensing (Scotland) Act 2005 Schedule 1, Paragraph 12
- 4.2 City of Edinburgh Licensing Board - Rules for Meetings

Depute Clerk of the Licensing Board

REPORT – SCHEDULE OF MEETINGS – 2023/24

APPENDIX 1

CITY OF EDINBURGH LICENSING BOARD

RULES 2023

1. The Board will meet during 2023 and 2024 on the last Monday of every month except where set out below. Meetings will commence at 9.30am.
2. These Rules will take effect on 30th January 2023 and will continue in force until revoked.

Column 1	Column 2
Agreed meeting dates 2023	Proposed meeting dates 2023/24
27 February 2023	<i>25 September 2023</i>
20 March 2023	<i>30 October 2023</i>
24 April 2023	<i>27 November 2023</i>
29 May 2023	<i>22 January 2024</i>
26 June 2023	<i>26 February 2024</i>
31 July 2023	<i>18 March 2024</i>
28 August 2023	<i>29 April 2024</i>
	<i>27 May 2024</i>
	<i>24 June 2024</i>

MINUTES OF MEETING

MONDAY 28th NOVEMBER 2022

Board members present: Councillors Louise Young (Convenor); Jason Rust (Vice-convenor); Chas Booth; Catherine Fullerton; David Key; Norman Work

Apologies: Councillors Lezley Marion Cameron; Pauline Flannery; Margaret Graham

Police: Sergeant Greig Stephen

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

The Board deliberations on items 1-5 below were broadcast using the Council's webcast system. A copy of the webcast can be viewed - [Licensing Board - Monday, 28th November 2022 at 9:30am - City of Edinburgh Council Webcasts \(public-i.tv\)](#).

1. Convenor's Update

Occasional Licences – the Convenor referred to the terms of the Board's policy on repeat use of occasional licences, advising it was likely there would be more occasional licence referrals in future, for consideration by the Board.

Policy Consultation – the Convenor highlighted the Board's consultation on the existing Statement of Licensing Policy, and subject to agreement by the Board it was expected there would be an additional Board meeting in January to consider the consultation responses.

Meeting with Agents – details of the actions agreed at the Convenor's meeting with licensing agents would be finalised and circulated to the Board for information.

Licensing Forum – the Convenor noted the Forum was holding its first formal meeting on Friday 2nd December, to be attended by the Vice-convenor. She referred to the Board's requirement to meet with the Forum at least once per calendar year, with the possibility of additional meetings if considered necessary.

2. Report – Annual Financial Details – 2019/20, 2020/21, 2021/22

The Depute Clerk advised the Board of the requirement to publish annual financial reports setting out the details of the Board's income and expenditure over the course of a financial year.

The Board heard from Andrew Mitchell on the financial details for the years 2019/20, 2020/21 and 2021/22, and the basis upon which the figures had been calculated. Board members discussed the terms of the annual reports and agreed to note the details, instructing the Depute Clerk to publish the reports on the Board's website.

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During consideration of annual fees the Board noted firstly that the fees set by Scottish Government had remained unchanged since commencement of the 2005 Act and secondly that the fees set by the Board had similarly remained unchanged. The Board agreed the Convenor should write to Scottish Government to highlight its concerns, and that a separate report should be submitted to a future Board meeting on the comparison with fees set by other boards.

3. Referral from Regulatory Committee – Prevention of Drug Deaths

The Depute Clerk advised the Board of a referral from the Council's Regulatory Committee, providing the details of a report on the use of Naloxone as a means of preventing drug-related deaths. The Board heard from Tom Veitch, who advised of work that had been carried out in consultation with the Edinburgh Alcohol and Drugs Partnership to identify how Naloxone could be made more widely available. Work was also underway to assess the viability of a pilot scheme for the potential availability of Naloxone in licensed premises. Board members discussed various issues including how the policy statement might make reference to premises making Naloxone available.

Board also noted there may be the opportunity for an update being provided on the pilot scheme, potentially for consideration at the Board's meeting in February.

4. Verbal Update – Policy consultation

The Board discussed the ongoing initial consultation on its statement of licensing policy, noting the closing date for submissions was 20th December 2022. Taking account of the recent appointment of the Licensing Forum and the requirement to consult with the Forum, the Board confirmed that while the date would remain unchanged, responses received after 20th December would not be rejected for being late if there was good reason for being late.

The Depute Clerk confirmed there had been limited use of the consultation email address for responses – licensing.consultation@edinburgh.gov.uk – but the online Hub was expected to be attracting more attention. An update would be circulated to members ahead of the next Board meeting.

5. Minutes of meeting of 31st October 2022 and matters arising

The Minutes and decision list for the meeting of 31st October 2022 were approved.

6. Applications - details as set out in separate list

The details of applications considered by the Board at the meeting on 28th November 2022 are set out in a separate decision list, for approval and to be appended to these minutes.

7. Occasional licence – 64 Home Street – Referral by Convenor

The Depute Clerk advised of an occasional licence application which had been referred to the Board by the Convenor for consideration. The Convenor explained that having noted the terms of the LSO report, she considered it necessary for the Board to consider the application rather than have it dealt with as a delegated matter.

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The Board heard the terms of the LSO report, and then heard from Alistair Macdonald on behalf of the applicant. Following consideration of the representations made the Board agreed to grant the application for occasional licence with an earlier terminal hour of 2230 (rather than 2300) and no amplified music or vocals permitted outside the premises. The Board agreed the subsequent application for occasional licence would be granted on the same basis.

8. Report – Request for Extension of Provisional Premises Licences

The Board noted a request from Alistair Macdonald for extension of the provisional period for the premises at 37 Leith Street. The Board agreed to extend the provisional premises licence expiry date to 30 June 2023.

9. Report – Personal Licence – Section 84 Hearing – Leith McKenzie

The Depute Clerk advised of a recommendation from West Dunbartonshire Licensing Board for the revocation of Mr McKenzie's personal licence, following on from a premises licence review hearing held by that Board.

The Board noted Mr McKenzie was not present, having failed to attend on two previous occasions. The Board agreed to revoke his personal licence.

10. Report – Premises Licence Review Hearing – 301 Leith Walk

The Depute Clerk advised the Board of a review application submitted by Police Scotland. The Board heard from Sergeant Stephen on the terms of the application, which included an application for review of the premises licence holder's personal licence. The Board then heard from Alistair Macdonald on behalf of the licence holder, Muhammad Sharif. Following consideration of the representations made, the Board considered it was necessary to suspend the premises licence for a two week period, noting training would be arranged for Mr Sharif and one other member of staff in the intervening period.

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 Mr B. Arnot	CONTINUED to 30 January 2023 Licensing Board – application part heard (Cllrs Young; Rust; Booth; Fullerton; Key; Work) Board encouraged continuing communications between licence holder and Building Standards, regarding premises' layout plans

THE CITY OF EDINBURGH LICENSING BOARD
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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 entrainment as an activity; permit children and young person access; amend wording for column answered 'yes' further details tab. CC LSO BSR Ox2 Mr S McPherson Tollcross Community Council	GRANTED, as amended by agent Capacity 60 Children's access to be removed from Operating Plan Councillor Booth DISSENT noted

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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
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 takeaway purposes"; amend details of children and young persons access, amend capacity, Amend description of premises CC	GRANTED as amended by agent (only varying terminal hour Friday and Saturday – midnight); in relation to Children and Young Persons' access, confirming children permitted until 2300 unless attending private function, young persons' 0100 Capacity 102

Commented [ML1]:

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28 November 2022

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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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	GRANTED Capacity 990 Operating Plan amended to reflect no seasonal variations to areas trading until 3am .

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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	GRANTED

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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

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	CONTINUED to January 2023 Licensing Board-application part heard.

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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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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	GRANTED

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28 November 2022

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	GRANTED

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28 November 2022

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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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	GRANTED

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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	

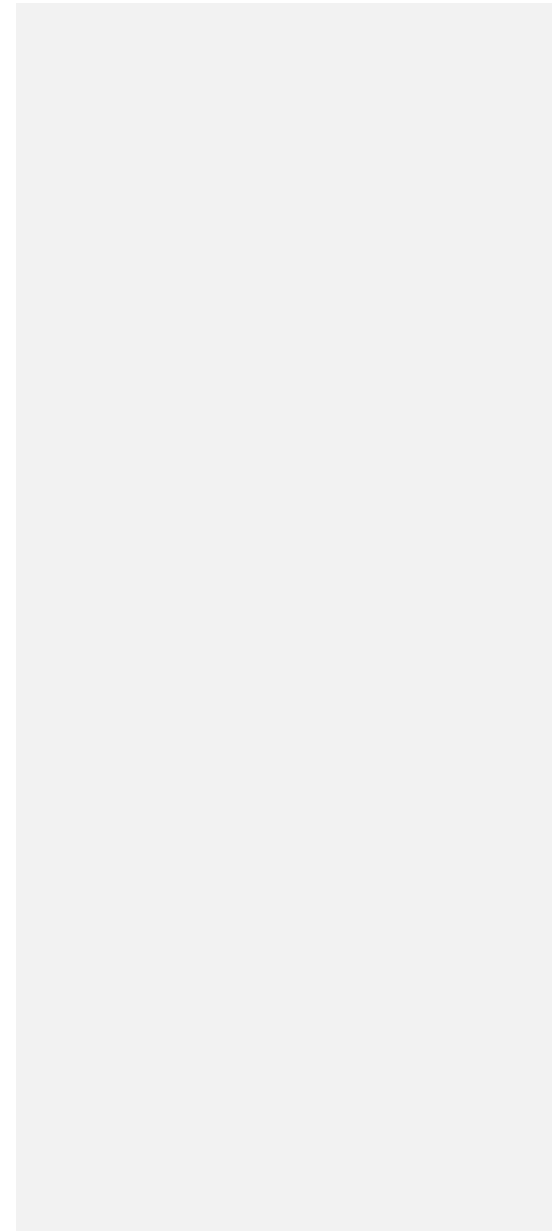
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28 November 2022

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	GRANTED

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28 November 2022

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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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	GRANTED 'Children will require to vacate the premises by 2300 unless attending a private pre-booked function, in which case they may remain on the premises until the end of the function or 0100 hours and young persons must vacate the premises by 0100 hours.'" – Operating Plan to be amended. Application amended to reflect no seasonal variations to be added to 0300 finish. Motion to grant (Cllr Fullerton, Cllr Work, Cllr Rust); Amendment by Cllr Young - grant but 0300 finish only Friday and Saturday (Cllr Booth and Cllr Young)

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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
								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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28 November 2022

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 service 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	GRANTED No children under 5 years old Description of premises licence to be amended to confirm two vehicles operating. Motion to grant - no children under 5 years old (Cllr Young, Cllr Rust, Cllr Booth) Motion amendment Grant – terms of operating plan to remain unchanged, namely no children under 7 years old. (Cllr Fullerton, Cllr Work)

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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,	GRANTED Capacity 270

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28 November 2022

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
								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 CC LSO BSR	

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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	GRANTED Application amended to withdraw change to music condition and music outside. Outdoor area terminal hour 2200hrs

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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	GRANTED Capacity 450 Amplified music condition – no audible nuisance

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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	GRANTED Capacity 570 Amplified music condition – no audible nuisance

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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	CONTINUED to June 2023 Licensing Board at request of applicant's agent

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

30 January 2023

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 Ox4 Mr Stanley Ms Shad Ms Allen Mr Arnott	

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NOTICE OF APPLICATIONS - Continued Variation PREMISES LICENCE APPLICATIONS

30 January 2023

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

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NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	467436	BP Oil UK Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	10 Builyeon Road, South Queensferry, EH30 9YJ	No	Yes	No	Variation to off sales capacity to 45.9 linear meters; Amended layout plan CC LSO	

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30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	466896	Pinnacle Hospitality Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	15 Charlotte Lane, Edinburgh, EH2 4QZ	No	No	Yes	To amend commencement of hours for on/off sales on a Sunday to 11am, to add club meeting; to add bar meals outwith core hours, to add wording to Q5 to allow teas, coffees and soft drinks to be served out with core hours., to add wording at Q5(f) with regards to the activities provided on the premises; to amend Q(b) and Q6(d)6 children and young persons' access. CC LSO	

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30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	467113	Motor Fuel Ltd	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	187 Slateford Road, Edinburgh, EH11 1PU	No	Yes	No	Change offsale core hours on Sunday to 10:00-22:00 CC LSO	

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30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	468090	JD Wetherspoon (Scot) Limited	JD Wetherspoon (Scot) Limited c/o, 22 Herbert Street, Glasgow, G20 6NB	17 Waverley Bridge, Edinburgh, EH1 1BQ	No	No	Yes	To amend layout and include external seating area into licensed footprint. CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
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30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	469823	Scotsman Group PLC	TLT LLP 140 West George Street, Glasgow, G2 2HG	6 Picardy Place, Edinburgh, EH1 3JT	N	N	Y	<p>Vary information contained in the operating plan: Q1 Amend 1(a) to No and 1(c) to Yes Q2 Amend daily commencement hour to 1pm Q3 Amend daily commencement hour to 10am Amend daily terminal hour to 10pm Q5 further information replace 5pm with "licensed hours" Q5(f) Add the following – "Micro brewery will include, brewing (and associated bottling, canning and kegging) with retail, dispatch and collection of products" Q6(d) add – "or the end of a private pre-booked function but never later than 12 midnight" Q7 off-sales capacity add maximum 15 linear meters of fridge display - Vary the layout plan: 1. customer access from Boughton Street Lane 2. incorporation of function room 3. installation of the brewery 4. soundproof doors on function area 5. increased customer access corridor to toilets 6. additional connecting and fire doors - Amend erroneous address to: 4(BF) PICARDY PLACE/ MEWS TO 23-27 BROUGHTON STREET LANE, EDINBURGH, EH1 3JT Amend description to: Multipurpose late night entertainment venue incorporating bar, nightclub and function suite. Modify DPM home address to: 46/8 Brunswick Road Edinburgh EH7 5PF</p> <p>CC LSO Ox2 Ms A. Stewart New Town and Broughton Community Council</p>	

THE CITY OF EDINBURGH LICENSING BOARD
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30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	477296	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	161 Comiston Road, Cluny, Edinburgh, EH10 5QN	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 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	

THE CITY OF EDINBURGH LICENSING BOARD
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30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	477397	Pizza Express Limited	Pinsent Masons LLP 141 Bothwell Street, Glasgow, G2 7EQ	1 Victoria Terrace, Edinburgh, EH1 2JL	No	No	Yes	To amend wording to text box at Q 5(f), after 'pizza making parties', add "home deliveries and takeaways of food and alcohol"; To increase capacity to 140; to amend year of birth of DPM at Q8(b) CC BSR Ox1 Old Town Community Council	

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NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
8.	477735	A&O Hostel and Hotel Edinburgh Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	50 Blackfriars Street, Edinburgh, EH1 1NE	No	No	Yes	To introduce an outside bar, as shown on plan. To provide that the outside area may be used until midnight during the festival period. To substitute a new layout plan for the ground floor, showing the location of the bar. CC LSO Ox1 Old Town Community Council	

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NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
9.	478873	Motor Fuel Ltd	Harper Macleod LLP The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE	1 Cliftonhall Road, Newbridge, EH28 8PW	No	Yes	No	Refurbishment - Vary Q7 off sales capacity from 9.5m2 to 42.45 linear metres CC LSO	

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

30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
10.	479414	Franco Manca 2 (UK) Ltd	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	1 Deanhaugh Street, Stockbridge, Edinburgh, EH4 1LU	No	No	Yes	To amend Q1(a): on and off-sales To amend Q2: Monday - Saturday amend core hours to 10am - 1am; Sunday 11am - 1am To amend Q3: include off-sales hours Monday - Saturday 10am - 10pm; Sunday 11am - 10pm To amend Q4: to include additional hours as per the Board guidelines for the Edinburgh Festival & festive period To amend Q5: to include YYY at Restaurant Facilities, Bar Meals, Receptions, Live Performances, Films & televised sports. To amend the further details box to incorporate the activities referred to at Q5. To amend Q5(f) with regard to other activities To amend Q5(g) to NO/NO To amend Q6 with regard to terms, times and parts of premises for children and young persons access CC LSO Ox1 Stockbridge and Inverleith Community Council (LATE)	

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

30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
11.	479892	Leith Theatre Trust	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Unit 2, 28-30 Ferry Road, Craigleith, Edinburgh, EH6 4AE	No	No	Yes	To add off sales which will be used primarily to provide a facility from the Thomas Morton Hall, to other parts of the building including Leith Theatre when events are taking place there. CC LSO	

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

30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	479917	Mr Dimitrios Ntokas	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	6 Brougham Street, Edinburgh, EH3 9JH	No	No	Yes	Restaurant Premises located on the ground floor of a building on Brougham Street, Tollcross, Edinburgh CCx2 LSO BSR	

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

30 January 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	480105	Cornelius Scotland Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	128 Leith Walk, Albion, Edinburgh, EH6 5DT	No	Yes	No	Retail premises located on the ground floor of a building on Leith Walk, Edinburgh. CCx2 LSO BSR	

APPLICATION FOR TRANSFER OF PREMISES LICENCE – 88 LOTHIAN ROAD – CONSIDERATION OF SECTION 135

1. Purpose

- 1.1 To provide details of an application for transfer of premises licence;
- 1.2 To ask the Board to consider a request from the applicant for the use of section 135 of the Act in respect of the transfer application.

2. Main Report

- 2.1. An application has been received for the transfer of the premises licence for the former Filmhouse premises, 88 Lothian Road. The premises licence holder is Centre for the Moving Image, formerly known as The Filmhouse Limited. The company is now in administration and the transfer application has been made by the agents acting for the administrators.
- 2.2. The application seeks to transfer the premises licence from the existing licence holder into the name of the administrators. Section 34 of the 2005 Act permits an application for transfer to be made by persons other than the existing premises licence holder in certain circumstances, and the insolvency of the premises licence holder company is one of those circumstances.
- 2.3. However the 2005 Act also provides that an application in terms of section 34 should be made within 28 days of the event occurring. The event in this case is the insolvency of the company, which was confirmed on 6th October 2022 by the appointment of the administrators. The 28 day period expired on 2nd November 2022. Agents for the administrator contacted the Depute Clerk on 19th December 2022 to request consideration by the Board of a transfer application submitted late. A letter setting out their explanation is provided with this report.
- 2.4. The agents have asked the Board to consider using section 135 of the Act to dispense with the procedural failure arising from the late submission of the transfer application, and thereafter allow the application to proceed as if received timeously.
- 2.5. The Board has made no specific provision in either its scheme of delegation nor the terms of the existing Policy Statement for the exercise of section 135 and accordingly this matter is referred to the Board for consideration.

3. Recommendation

- 3.1 The Board is asked:-
 - (a) To note the explanation provided as to why the transfer application has been submitted late;
 - (b) To decide whether to use section 135 to permit the transfer application to be received late and processed thereafter.

APPLICATION FOR TRANSFER OF PREMISES LICENCE – 88 LOTHIAN ROAD –
CONSIDERATION OF SECTION 135

4. Background Papers

- 4.1 Letter from agents acting for administrators, dated 19th December 2022.

Depute Clerk of the Licensing Board

APPLICATION FOR TRANSFER OF PREMISES LICENCE – 88 LOTHIAN ROAD –
CONSIDERATION OF SECTION 135

Appendix 1

135 Power to relieve failure to comply with rules and other requirements

(1) A Licensing Board may relieve any applicant or other party to proceedings before the Board of any failure to comply with any procedural provision if—

- (a) the failure is due to mistake, oversight or other excusable cause, and
- (b) the Board considers it appropriate in all the circumstance to relieve the failure.

(2) Where a Board exercises the power under subsection (1), the Board may make such order as appears necessary or expedient to enable the proceedings to continue as if the failure had not occurred.

(3) In subsection (1), “procedural provision” means—

- (a) any requirement of regulations under—
 - (i) section 133(2),
 - (ii) section 134(1), or
 - (iii) paragraph 12(4) of schedule 1,
- (b) any requirement of rules under paragraph 12(5) of that schedule, and
- (c) any other requirement imposed by virtue of this Act as respects the procedure to be followed in connection with applications made to, or other proceedings before, a Licensing Board.

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

1. Purpose

- 1.1 To advise the Board of the requirement to hold a hearing on a premises licence review application for the premises the Spey Lounge, 39 Leith Walk, Edinburgh.
- 1.2 To set out the options available to the Board, if it considers it necessary for the purposes of the licensing objectives, to take any action with the premises licence at the conclusion of the hearing.

2. Main Report

- 2.1. The grounds for review of a premises licence are:-
 - (a) that one or more of the licensing conditions has been breached;
 - (b) that having regard to the licensing objectives the premises licence holder is not a fit and proper person to hold the licence; or
 - (c) any other ground relevant to the licensing objectives:-
 - preventing crime and disorder,
 - securing public safety,
 - preventing public nuisance,
 - protecting and improving public health, and
 - protecting children and young persons from harm.
- 2.2. The Board may reject an application for review if it is considered that it is vexatious or frivolous, or that it fails to disclose matters relevant to the statutory grounds for review. The Board's Statement of Licensing Policy delegates this decision to the Convenor. The decision was made by the Convenor 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 Trust Inns Limited. A copy of the review application has been sent to the premises licence holder. The Council's LSOs have prepared a report on the terms of the review application, which has also been supplied to the licence holder.
- 2.4. In carrying out the review hearing, the Board should first hear from Police Scotland, then from the LSO representative. The Board should then hear from the licence holder or their agent in response. At the conclusion of the hearing if the Board is satisfied that it is necessary or appropriate for the purposes of any of the licensing objectives the Board can take any of the following steps:-
 - (a) issue a written warning;
 - (b) make a variation of the licence;
 - (c) suspend the licence for such period as the Board may determine;
 - (d) revoke the licence.
- 2.5. The Board will recall the premises were the subject of an LSO-led review application, considered by the Board at its meeting on 26th September 2022. At the conclusion of that hearing the Board agreed

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

it was necessary to vary the premises licence (details set out in Appendix 1 to this report, and to suspend the premises licence for a fourteen day period from 27th September 2022.

3. Recommendation

3.1 The Board is required:-

- (a) to hold a premises licence review hearing;
- (b) to decide at the conclusion of the hearing what action requires to be taken, having regard to the licensing objectives;

4. Background Papers

- 4.1 Application for review of premises licence, dated 12th December 2022
- 4.2 LSO report dated 19th December 2022

Depute Clerk of the Licensing Board

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

APPENDIX 1 – Action taken by Board at review hearing on 26th September 2022

- No use of jukebox beyond 2300;
- During times when only one member of staff on duty, premises to have arrangement in place to enable staff to call for assistance when necessary, from colleagues or other persons connected to the premises to arrive at the premises within 15 minutes of the call or otherwise as soon as possible

- (1) Removal of karaoke from operating plan;
- (2) Amplified music beyond background level only to be played via noise limiter, with level set to be as agreed with Council's LSOs;
- (3) When amplified music played in premises beyond background level, external doors and windows shall be kept closed except for access/egress or for emergency purposes;
- (4) prominent, clear and legible notices to be displayed at all public exits requesting public respect the needs of local residents and to leave premises and area quietly;
- (5) Incident register to be maintained in written or electronic format on premises, to include:
 - a. Ejections of patrons by staff
 - b. First aid incidents
 - c. Noise complaints made to premises
 - d. Attendance at premises by Police
 - e. Alcohol refusalsStaff involved in alcohol sales to be trained to complete incident register as soon as reasonably practicable, with register to detail:
 - Date and time of incident
 - Nature of incident
 - ResolutionThe register should be made available for Police and LSO inspection within a reasonable time, on request
- (6) Minimum of two members of staff on duty Fridays and Saturdays from 2000 until premises closes.