

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

MONDAY 26th AUGUST 2019

START TIME 9.30am

Dean of Guild Room, City Chambers, Edinburgh

AGENDA

1. Preliminary matters
2. Minutes of Meeting of 29th July 2019
3. Requests for extension of provisional period
 - 14 Marshall Street, Edinburgh
 - 234-246 Easter Road, Edinburgh
4. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list
5. Chief Constable's Annual Report
6. Annual Functions Report
7. Scottish Parliament Local Government and Communities Committee – Correspondence seeking Board views

Nick Smith
Clerk of the Licensing Board

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LICENSING BOARD

Licensing Board membership:

Councillor Steve Burgess	Councillor Derek Howie
Councillor Lezley Marion Cameron	Councillor David Key
Councillor Nick Cook	Councillor Callum Laidlaw
Councillor Cammy Day	Councillor Joanna Mowat
Councillor Gillian Gloyer	Councillor Norman Work (Convener)

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

http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licencing_board

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LICENSING BOARD

ITEM No.

2

MINUTES OF MEETING

MONDAY 29th JULY 2019

Members present: Councillors Norman Work (Convener); Gillian Gloyer; Joanna Mowat; Callum Laidlaw; Derek Howie.

Apologies: Councillors David Key; Steve Burgess

Police: Sergeant John Young

NHS Lothian: Jim Sherval

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

1. Minutes of Meeting of 24th June 2019

The minutes and decision list for the meeting of 24th June 2019 were approved as an accurate record of that meeting.

2. Request to extend provisional period – 57-59 High Street

The Depute Clerk advised the Board that the provisional period for the licence for 57-59 High Street was due to expire. Alistair Macdonald was present for the licence holder and set out the details of a request for extension. After due consideration of the circumstances, the Board agreed to continue the provisional period for six months from the original expiry date of the licence.

3. Request to extend provisional period – 38 – 39 Elm Row

The Depute Clerk advised the Board that the provisional period for the licence for 38-39 Elm Row was due to expire. Alistair Macdonald was present for the licence holder and set out the details of a request for extension. After due consideration of the circumstances, the Board agreed to continue the provisional period for six months from the original expiry date of the licence.

4. Request to extend the Provisional period – 121 Great Junction Street

The Clerk advised that this request had been withdrawn.

5. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list

The Board considered twelve applications for variation of premises licences and eleven applications for provisional premises licences, the decisions for which are as detailed in the list appended to these minutes.

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

Declarations of interest: None

Divisions: None

NHS Lothian representations: -

Variations

3.	21 Old Fishmarket Close	Rutland Management Resource Limited
6.	27 Spylaw Street	Punch Partnerships (PTL) Limited
8.	37 Home Street	Mr Tie Cheng Mai
9.	4-8 Market Street	Hotel Management International Limited
11.	15 Grindlay Street	Royal Lyceum Theatre Company

Provisionals

1.	10 Melville Place	The Painted Rooster Limited
4.	26 King's Stables Road	Staycity UK Limited
5.	277 Comiston Road	Shell UK Oil Products Limited
10.	61 Forrest Road	Forrest Road Holdings Limited

6. Chief Constable's Annual Report

As the senior police representative was unavailable to attend the meeting the Board agreed to continue the matter and to consider the report at its next meeting in August.

7. Annual Functions Report

The Depute Clerk advised the Board that the annual functions report was not yet complete and that it would be tabled for the Board's consideration at its next meeting in August.

8. Scottish Parliament Local Government and Communities Committee – Correspondence seeking Board views

The Depute Clerk referred to the letter from the Committee seeking views from Boards on various issues, which had previously been considered by the Board at its meeting in April 2019. The Committee had now written again advising that the period for response had been extended to 2nd September. A further copy of this letter was circulated to Board members.

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LICENSING BOARD

The Board agreed that it would be appropriate to provide a response during the extended period and that any comments from individual Board members should be submitted to the Depute Clerks in order that the terms of a draft response could be considered by the Board at the next meeting in order that a response be submitted prior to 2nd September 2019.

Councillor Norman Work
Convener of the Licensing Board

DECISION LIST – 29th JULY 2019

APPLICATIONS FOR VARIATION OF PREMISES LICENCE

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	411253	Punch Partnerships (PTL) Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	1 High Street, Edinburgh, EH1 1SR	No	No	Yes	Extend terminal hour to 1am, Wednesday - Sunday and to amend children and young persons access.	Operating plan amended to confirm seasonal variations do not apply to children and young persons GRANTED

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2.	413280	Mr Mohammed Fayyaz	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	190 Dalkeith Road, Edinburgh, EH16 5DU	No	Yes	No	To reflect incorporation into the licensed premises of 192 Dalkeith Road, add recorded music, takeaways, deliveries, as activities, increase capacity, allow certain activities outwith core hours, submit new layout plan showing larger licensed premises and amend description of premises to "retail premises consisting of two adjacent shop units on ground floor of a tenement of Dalkeith Road, Edinburgh."	GRANTED Music condition – "no audible nuisance" Capacity – 46.5 linear metres
3.	413282	Rutland Management Resource Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	21 Old Fishmarket Close, Edinburgh, EH1 1RW	No	No	Yes	To amend the amplified music condition, to amend licensed hours, to provide that certain activities may take place outwith licensed hours, to amend terms of children and young persons' entry.	Operating plan amended to allow children's access until 11pm and Young Adults access till 1am. GRANTED Music condition – "no audible nuisance"

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4.	410491	Travelodge Hotels Limited	Morton Fraser 2 Lister Square, Edinburgh, EH3 9GL	23-26 Eglinton Crescent, Edinburgh, EH12 5BY	Yes	No	No	To amend the description of premises, to amend the description of activities provided outwith core licensed hours.	GRANTED Capacity of 280 persons
5.	412412	Punch Partnerships (PTL) Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	25-27 Causewayside, Edinburgh, EH9 1QF	No	No	Yes	To add conference facilities and outdoor drinking as activities, allow certain activities outwith core hours, amend details to childrens and young persons access to premises and submit new layout plan.	GRANTED Capacity of 90 persons Outside drinking terminal hour of 22:00
6.	411885	Punch Partnerships (PTL) Limited	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	27 Spylaw Street, Edinburgh, EH13 0JT	No	No	Yes	Increase on sale hours, add films as an activity, and amend seasonal variations, allow certain activities outwith core hours, amend details to children and young persons access to premises and submit new layout plan to include rear beer garden within the licensed area.	Change to audible music condition withdrawn Operating plan amended to confirm terminal hour for children 11pm and young persons 1am GRANTED 11:00 commencement hour for Sunday Outside drinking terminal hour of 22:00

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7.	413100	Mr Harem Mohamed Bahir Murdochy	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	3 King's Place, Edinburgh, EH15 1DU	No	No	Yes	To amend terms of childrens access, to amend the music condition, to amend details of activities provided on the premises, to amend layout and add outdoor drinking facilities, to increase capacity, to substitute the designated premises manager.	CONTINUED FOR SITE VISIT
8.	413320	Mr Tie Cheng Mai	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	37 Home Street, Edinburgh, EH3 9JP	No	No	Yes	To amend the description of premises, to increase on sale hours, to add off sales, to add seasonal variations, to allow for certain activities to be provided outwith core licensed hours, to amend terms of Children and Young Persons' access, to amend the description of other activities.	GRANTED Operating plan amended to show 01:00 terminal hour for on sales Monday-Sunday Terminal hour of 11pm for children and 1am for young persons- no seasonal variations. Deliveries with alcohol to terminate at 00:00.

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9.	411337	Hotel Management International Limited	L-POS Limited 24 Moorfield Road, Gourock, Inverclyde, PA19 1DD	4-8 Market Street, Edinburgh, EH1 1DE	No	No	Yes	<p>To increase capacity, to amend the description of other activities, to amend layout plan, to amend the description of premises to read "The premises are located on Market Street in the City Centre. It is a 7 storey purpose built hotel. The premises are very well served by public transport with Waverley railway station opposite the hotel where taxi ranks are also located and local bus services a couple minutes walk away. The premises consist of Hotel Lobby, Coffee Shop with takeaway facility and staff areas on the ground floor. On the 7th floor are Hotel Reception, Executive Lounge; Breakfast Lounge/Restaurant, external licensed terrace; Ladies, Gents and disabled toilet, and kitchen/staff areas. Floors 1 to 6 accommodate 98 ensuite bedrooms and staff areas. Hotel sells alcohol both on & off premises; hot & cold beverages, hot & cold food. We also offer accommodation 365 days of the year."</p>	<p>GRANTED</p> <p>Capacity of 346 persons</p>
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All statutory references to Licensing (Scotland) Act 2005, unless stated otherwise

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10.	412952	542 Leisure Limited	Caledonian Heritable Ltd 4 Hope Street, Edinburgh, EH2 4DB	542 Lanark Road, Edinburgh, EH14 5EL	No	No	Yes	Amend ages for children's access. Change name of premises to The Railway Inn	GRANTED
11.	405188	Royal Lyceum Theatre Company	Royal Lyceum Theatre Company 30b Grindlay Street, Edinburgh, EH3 9AX	Royal Lyceum Theatre, 15 Grindlay Street, Edinburgh, EH3 9AX	No	No	Yes	To add off-sales	GRANTED Undertaking that off sales will be restricted to sales of alcohol being gifts provided by sponsors in connection with performances.
12.	413703	Cineworld Cinemas Limited	Gosschalks Solicitors Queens Gardens, Hull, HU1 3DZ	Unit 3, 130 Dundee Street, Edinburgh, EH11 1AF	Yes	No	No	To amend the description of premises.	GRANTED

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APPLICATIONS FOR PROVISIONAL PREMISES LICENCE

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	412916	The Painted Rooster Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	10 Melville Place, Edinburgh, EH3 7PR	No	No	Yes	Cafe/Restaurant located on the ground/basement floors of a building on Melville Place	CONTINUED TO AUGUST BOARD ASB Report from Police Scotland and site visit r
2	410823	Halewood International Limited	TLT LLP 80 Hanover Street, Edinburgh, EH2 1EL	21 Graham Street, Edinburgh, EH6 5QN	No	No	Yes	Visitors centre which has a licensed bar, taproom, and gift shop on site.	GRANTED Capacity of 78 persons Music condition – “no audible nuisance” Operating plan amended to confirm seasonal variations not to apply to children and young persons

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

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3	410824	Halewood International Limited	TLT LLP 80 Hanover Street, Edinburgh, EH2 1EL	21 Graham Street, Edinburgh, EH6 5QN	No	No	Yes	A warehouse incorporating a distillery. It is involved in the production and distribution of alcohol and may host ticketed tours or tasting events.	CONTINUED TO AUGUST BOARD
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4	412380	Staycity UK Limited	John Gaunt & Partners Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT	26 King's Stables Road, Edinburgh, EH1 2JY	No	No	Yes	The proposed premises is the development of an Aparthotel with 108 studio and apartment rooms with mini bar facilities and refreshment facilities.	Off sales withdrawn by applicant Seasonal variations for non-resident young persons withdrawn GRANTED – amended operating plan Capacity of 296 persons Alcohol to be served only to residents and bona fide guests Commencement hour for on sales 11:00 Monday – Sunday Music condition – “no audible nuisance”
5	411924	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	277 Comiston Road, Edinburgh, EH10 6AP	No	Yes	No	Convenience store located on petrol forecourt	CONTINUED TO AUGUST BOARD

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6	413464	Edinburgh North Leisure Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	38 Clerk Street, Edinburgh, EH8 9HX	Yes	No	No	Small single unit cafe on the ground floor of a tenement in Clerk Street, Newington.	GRANTED Capacity of 15 persons Music condition – “no audible nuisance”
7	411608	Pilot Beer Ltd	Pilot Beer Ltd 4b Stewartfield, Edinburgh, EH6 5RQ	4b Stewartfield, Edinburgh, EH6 5RQ	No	No	Yes	The premises comprise a brewery situated in an industrial unit at Stewartfield Edinburgh. The retail area will be ancillary to the business of the brewery and will offer occasional tasting sessions/product launches by way of on sales and off sales together with internet/phone sales and distribution of alcohol	Layout amended to show retail unit as the only licensed area GRANTED Additional condition - Police Scotland to be allowed unrestricted access to premises Capacity of 20 persons Music condition – “no audible nuisance” 11:00 commencement hour for Sunday on sales
8	412942	Hanam's Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	57-59 South Clerk Street, Edinburgh, EH8 9PP	No	No	Yes	Small restaurant located on the ground and lower ground floor of a building on South Clerk Street	CONTINUED TO AUGUST BOARD applicant to agree capacity with Building Standards

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9	413237	Cost Effective Catering Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	60b Ford's Road, Edinburgh, EH11 3HR	No	No	Yes	Cafe premises forming part of the refurbished complex at Saughton Park, including outside area	CONTINUED TO AUGUST BOARD Site visit and applicant to agree capacity with Building Standards
10	410220	Forrest Road Holdings Limited	Morton Fraser 2 Lister Square, Edinburgh, EH3 9GL	61 Forrest Road, Edinburgh, EH1 2QP	No	No	Yes	Restaurant at ground floor level with basement facilities at corner of Forrest Road and Lauriston Place.	GRANTED Capacity of 101 Music condition – “no audible nuisance” Outside drinking terminal hour of 22:00 Alcohol deliveries to be provided with food only Operating plan amended to show terminal hour of 23:00 for children and 00:00 for young persons, regardless of seasonal variations.

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11	413594	Lateral City Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	23 Abbey Strand, Edinburgh, EH8 8DX	Yes	No	No	Self catering apartments located in historical building over four floors on Abbey Strand by Holyrood	GRANTED Music condition – “no audible nuisance” Capacity of 20 persons
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APPLICATIONS TO EXTEND PERIOD OF PROVISIONAL LICENCE

ITEM No.

3

1. Purpose

- 1.1 To ask the Board to consider applications to extend the provisional period for a provisional premises licence.

2. Main Report

- 2.1. In terms of section 45(6) of the Licensing (Scotland) Act 2005, a provisional premises licence is granted for a period of four years from the date of issue of the licence. If it is not confirmed before the end of the provisional period, the licence is revoked, by operation of law. Confirmation is obtained upon receipt by the Licensing Board of clear section 50 certificates (Planning, Building Standards and, if appropriate, 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 Applications have been made to extend the provisional period for the following premises:-

14 Marshall Street (Lian Pau)

A letter setting out the circumstances upon which an extension request is made for 14 Marshall Street is appended to this report.

234-246 Easter Road (Lidl)

An application to extend the provisional period for the premises at 234-246 Easter Road, Edinburgh was submitted to the Board. The licence was issued by the Board on 29th September 2014 and was extended by the Board for a six month period at the Board's meeting on 24th September 2018.

- 2.5 The Board agreed to further extend the provisional period at its meetings on 27th March, 29th April, 27th May and 24th June 2019 in each case for one month. The Board was advised that there were still Building Standards matters outstanding which required to be dealt with before a section 50 certificate could be provided for the premises.
- 2.6 The premises have operated by means of occasional licences in the intervening period, and communications have continued in the meantime between the licence holder, their agent and the Council's Building Standards officers with a view to dealing with the outstanding matters. An update will be provided to the Board at its meeting.

APPLICATIONS TO EXTEND PERIOD OF PROVISIONAL LICENCE

3. Recommendation

- 3.1 In the event that the Board is satisfied with the reasons given, the Board is asked to reach a decision on the duration of any extension of the provisional premises licence.

4. Background Papers

- 4.1 Letter from Macdonald Licensing dated 5th August 2019 – 14 Marshall Street

Depute Clerk of the Licensing Board

THE CITY OF EDINBURGH LICENSING BOARD

ITEM No.

4

**APPLICATIONS FOR VARIATION OF EXISTING
PREMISES LICENCES, NEW & PROVISIONAL
PREMISES LICENCES AND PERSONAL LICENCES**

26 AUGUST 2019

**THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005**

NOTICE OF APPLICATIONS – Continued Variation of PREMISES LICENCE APPLICATIONS

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	413100	Mr Harem Mohamed Bahir Murdochy	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	3 King's Place, Edinburgh, EH15 1DU	No	No	Yes	10/7/19	To amend terms of childrens access, to amend the music condition, to amend details of activities provided on the premises, to amend layout and add outdoor drinking facilities, to increase capacity, to substitute the designated premises manager. CC LSO BSR O x1	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005

NOTICE OF APPLICATIONS - Transfer & Variation of PREMISES LICENCE APPLICATIONS

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	415456	Ms Abigail Smith	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	Unit 1, 1 Granton Mains Avenue, Edinburgh, EH4 4GA	No	Yes	No	7/8/19	To transfer the Premises licence, to amend layout, to increase capacity, to add recorded music as an activity, to amend the description of other activities carried out during and outwith licensed hours. CC x2 LSO BSR NHS O x1	

**THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005**

NOTICE OF APPLICATIONS – Variation of PREMISES LICENCE APPLICATIONS

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	415431	The Dormant Distillery Company Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	11 Bruntsfield Place, Edinburgh, EH10 4HN	No	Yes	No	7/8/19	To add on sales, to amend capacity, to amend the layout plan, to amend the description of other activities, to amend terms of Children and Young Persons' access. CC LSO BSR	
2.	415607	Mr Robert Michael Baxter	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	233 Cowgate, Edinburgh, EH1 1JQ	Yes	No	No	7/8/19	To amend layout, to add outdoor drinking facilities, to amend the description of activities carried out on the premises. CC LSO BSR	

**THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005**

NOTICE OF APPLICATIONS – Variation of PREMISES LICENCE APPLICATIONS

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	415452	Casual Dining Services Limited	Brodies LLP 15 Atholl Crescent, Edinburgh, EH3 8HA	9-11 Hanover Street, Edinburgh, EH2 2DL	No	No	Yes	7/8/19	To add off sales, to amend description of other activities carried out on the premises, to amend terms of Children and Young Persons' entry. CC LSO NHS	
4.	415377	Benugo Limited	John Gaunt & Partners Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT	National Museum Of Scotland, 44 Chambers Street, Edinburgh, EH1 1JF	Yes	No	No	7/8/19	To amend on-sale hours, to add seasonal variations, to amend the description of activities carried out on the premises. CC	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005

NOTICE OF APPLICATIONS – Continued Provisional PREMISES LICENCE APPLICATIONS

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	412916	The Painted Rooster Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	10 Melville Place, Edinburgh, EH3 7PR	No	No	Yes	10/7/19	Cafe/Restaurant located on the ground/basement floors of a building on Melville Place CC x2 LSO BSR NHS O x1	
2.	410824	Halewood International Limited	TLT LLP 80 Hanover Street, Edinburgh, EH2 1EL	21 Graham Street, Edinburgh, EH6 5QN	No	No	Yes	10/7/19	A warehouse incorporating a distillery. It is involved in the production and distribution of alcohol and may host ticketed tours or tasting events. CC x2 LSO BSR	WITHDRAWN

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005

NOTICE OF APPLICATIONS – Continued Provisional PREMISES LICENCE APPLICATIONS

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	411924	Shell UK Oil Products Limited	Lockett & Co Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	277 Comiston Road, Edinburgh, EH10 6AP	No	Yes	No	10/7/19	Convenience store located on petrol forecourt CC x2 LSO BSR NHS	
4.	412942	Hanam's Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	57-59 South Clerk Street, Edinburgh, EH8 9PP	No	No	Yes	10/7/19	Small restaurant located on the ground and lower ground floor of a building on South Clerk Street CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005

NOTICE OF APPLICATIONS – Continued Provisional PREMISES LICENCE APPLICATIONS

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
5.	413237	Cost Effective Catering Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	60b Ford's Road, Edinburgh, EH11 3HR	No	No	Yes	10/7/19	Cafe premises forming part of the refurbished complex at Saughton Park, including outside area CC x2 LSO BSR O x9	

THE CITY OF EDINBURGH LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005

NOTICE OF APPLICATIONS - New PREMISES LICENCE APPLICATIONS

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	415540	BaxterStorey Limited	DSW Group Hammonds Green Farm, Hammonds Green, Framfield, East Sussex, TN22 5QH	35-36 St Andrew Square, Edinburgh, EH2 2AD	No	Yes	No	7/8/19	The premises are a locked cupboard on the 1st floor of the Head Office for Royal Bank of Scotland PLC where alcohol will be stored by the caterers. This will be provided on demand by RBS to facilitate fine dining and receptions. CC x2 LSO BSR	

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

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
1.	415463	Mr Matthew Jackson	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	1 Haddington Place, Edinburgh, EH7 4AE	No	No	Yes	7/8/19	Wine shop and café, located in a building on Haddington Place, Edinburgh, and accessed by a small flight of stairs from pavement level. CC x2 LSO BSR O x3	
2.	415523	Mimi's Teahouse Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	1 Market Street, Edinburgh, EH1 1DE	No	No	Yes	7/8/19	Cafe premises located within the City Arts Centre, in Market Street, Edinburgh. CC x2 LSO BSR NHS	

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

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
3.	414369	Elm Row East Pizzas Ltd	TLT LLP 1f2, 80 Hanover Street, Edinburgh, EH2 1EL	124 Morningside Road, Edinburgh, EH10 4BX	No	No	Yes	7/8/19	Takeaway premises including home delivery with ancillary sit in area licensed for on and off sale CC x2 LSO BSR NHS	
4.	415441	The Partnership of Adrian Stan and Rohit Marwah	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	151-153 Lothian Road, Edinburgh, EH3 9AA	No	No	Yes	7/8/19	Restaurant located on the ground floor and lower ground floor of premises on Lothian Road. CC x2 LSO BSR NHS	

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

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
5.	414590	Mr Harem Murdochy	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	227 Portobello High Street, Edinburgh, EH15 2AN	No	No	Yes	7/8/19	Restaurant located in the ground floor of a building on Portobello High Street. CC x2 LSO BSR	
6.	415526	Partnership of Zak Hanif & Aytac Gul	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	37a-37b Warrender Park Road, Edinburgh, EH9 1HJ	No	No	Yes	7/8/19	Premises located on ground and lower floor of a property situated at the corner of Warrender Park Road and Marchmont Road. CC LSO BSR	

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

26 AUGUST 2019

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Last Date for Objection	Remarks	Decision
7.	415433	Razzoid Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	59 Great Junction Street, Edinburgh, EH6 5HX	No	No	Yes	7/8/19	Small restaurant located on the ground floor and lower ground floor of a tenement building on Great Junction Street CC x2 LSO BSR	
8.	413002	The Manna House Limited	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	45-46 High Street, South Queensferry, EH30 9HN	No	No	Yes	7/8/19	Restaurant/Café premises located on the High Street in South Queensferry. CC x2 LSO BSR O x3	



ITEM No. 5



**POLICE
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
EDINBURGH LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2018 to 31ST MARCH 2019

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Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2018/19, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year the Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation.

Working in partnership is key to effective regulation in liquor licensing. Police Scotland remains committed to working closely with partners in the 32 Local Authorities across Scotland to ensure a fair and consistent approach. Preventing alcohol fuelled violence, disorder and antisocial behaviour is a priority and I believe that working together to achieve effective early intervention and enforcement is vital to this.

I would like to acknowledge the many active local partnerships that provide continued support, enabling Police Scotland and partners to drive improvement in licensing. I will ensure that all officers and staff continue to recognise the importance of working closely with key partners, including the Licensed Trade, to improve licensing standards nationally utilising the range of options available to them.

I am confident that through strong partnerships and collaborative working, we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Mr Iain Livingstone QPM
Chief Constable
Police Service of Scotland

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

During 2018/2019, from a licensing perspective, our particular focus will be on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Continuous professional development training and guidance for staff to harmonise licensing practice across the country.
- Working closely with statutory partners within a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- 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.
- The implementation and ongoing development of the Licensing Admin tool provides divisional licensing officers with a single ICT product negating the need to research police systems independently. Through accurate recording, the licensing admin tool assists Police Scotland in deploying our resources to the right places and the right time to keep people safe.

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.

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Licensing Board Area

The City of Edinburgh local authority area is policed by E Division.

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

Local Policing Priorities

Following our public consultation process, the policing priorities for E Division for 2017-2020, as set out in our Local Policing Plan, are as follows:

- Acquisitive crime
- Public Safety
- Anti-social behaviour
- Serious and Organised crime
- Terrorism and Domestic Extremism

As part of the local policing priorities, Edinburgh Division will continue to focus on alcohol related violence and disorder, recognising that education, prevention, partnership work and robust policing are key factors in reducing crime and disorder in this area.

Senior Officers

The senior officers who hold responsibility for licensing within the area of E Division are as follows;

Head of Department: Superintendent Bob Paris - Specialist Operations

Chief Inspector Murray Starkey - Partnerships and Events

The Licensing Department is based at St Leonard's and consists of:

Inspector Neill Whiteside, Sergeant John Young, 3 Police Constables and 4 Divisional Licensing Administrators.

Operation of the Licensing (Scotland) Act 2005

Alcohol permeates a wide range of issues in our society and is often a causal factor in violence, domestic abuse and anti-social behaviour; incidents that the Police Service of Scotland deal with every day across the country.

We seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the division and all opportunities are taken to address the illegal or irresponsible sale, supply or consumption of alcohol. This is with the intention of preventing violent crime and disorder. The application of alcohol legislation continues

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to evolve through case law, statutory instruments and local board decisions. As such, policing tactics require flexibility to keep pace with these changes.

Our focus is to 'Keep People Safe' and we seek to reduce the negative impact that alcohol has on our communities. This is achieved through encouraging the responsible sale and supply of alcohol in well run licensed premises, taking positive action to stop the irresponsible supply of alcohol to children and young persons and preventing the over-supply to individuals already intoxicated in licensed premises.

This report details how Edinburgh division has carried out this function in 2018/19.

Edinburgh Licensing Board Statistics 2018/19

The Edinburgh Licensing Board area had 8116 personal licence holders and 1,913 premises licences (438 on sale, 491 off sale and 984 on and off sale) in force as at 31st March 2019.

Summary of applications, Premises and Personal Licence Reviews

Section 20 - Application for premises licence

Each application received from the Licensing Board is scrutinised by staff of the Divisional Licensing Team and 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 of what the legislation permits, the Chief Constable will always endeavour to bring 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 1 April 2018 to 31 March 2019, the following applications were received and processed by the police licensing team for consideration of the Edinburgh Board.

Type of application	No.	No. of Police Representations	No. of Police Objections	Granted	Partially Granted / Amended	Refused	Withdrawn
New Premises Licence	2	2	0	2	N/A	0	0

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Provisional Premises Licence	64	41	1	61	N/A	1	2
Major Variations	83	47	1	57	21	2	3
Transfers	138	8	0	137	N/A	0	1

Section 56 - Occasional Licences

Due to the festival and festive seasons along with other significant all year round events, Edinburgh is a popular venue for pop up bars. During consultation of the Board's Statement of Licensing Policy recommendations were made to ensure that such bars do not become a permanent fixture and are licensed only for the duration of the specific festival / event period. Police Scotland welcomes the Board's recognition of this within the new Policy Statement and during deliberations.

In addition, working in partnership with the Licensing Standard Officers (LSO's), the licensed trade, and City of Edinburgh Council Licensing department a set of 'pool conditions' have been adopted, covering conditions regularly requested by police and LSO's. Since introduction, these conditions have assisted in significant efficiency savings in terms of administration and improved understanding by applicants of conditions likely to be requested by statutory consultees.

In the year 1 April 2018 to 31 March 2019, 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	3693	2252	15	3547	3	143

Section 68 – Extended Hours Licences

During consultation of the Board's Statement of Licensing Policy recommendations were also made in respect to extended hours applications. Police licensing have noted a significant improvement in terms of quality of information received to assist in determining whether or not such extended hours are justified and further following initial adjustments applicants are seeking one hour extensions as per the new Board policy as opposed to previously two hours or longer. Police objections relate to the granting of additional hours that were outwith those normally permitted and were contrary to the Board's licensing policy statement and where the hours requested were detrimental to the licensing objectives.

In the year 1 April 2018 to 31 March 2019, in addition to the seasonal variations in respect of extended hours the following applications were received and processed by the police licensing team for consideration of the Board.

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Type of application	No.	No. of Police Representations	No. of Police Objections	Granted	Refused	Withdrawn
Extended Hours	334	127	73	288	34	12

Section 72 - Personal Licence Applications

In line with the section above regarding premises applications, close scrutiny is made by the Divisional Licensing team paying particular attention to relevant convictions and the five licensing objectives.

In the year 1 April 2018 to 31 March 2019, 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	1154	8	6	1143	7	4

Crime and Disorder during the Night Time Economy (NTE)

Excessive consumption of alcohol is 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 or cheaper alcohol from off sales.

Alcohol fuelled crime is most visible at weekends within the City Centre. In order to manage this, a dedicated policing plan 'Operation Nightguard', is implemented every Friday and Saturday night purely to police the NTE. This policing detail can vary but generally comprises a minimum of 2 sergeants and 30 police officers in addition to regular shift officers and partners. This can be supplemented by an additional 10 officers when particular events dictate. This resource is necessary to retain a visible police presence in the City Centre due to the high level of alcohol fuelled crime and antisocial behaviour. The operation is also supported by an Edinburgh Licensing Standards Initiative (ELSI) Police officer who works closely with licensed premises in the city providing support to the Best Bar None, Think Twice initiatives and local Pub Watches.

Partnership assistance comes in the form of patrols by Environmental Wardens, use of council CCTV, Taxi Marshalls and support from Street Pastors and the Street Assist Edinburgh project. The Street Assist initiative, delivered by a group of 40 volunteers provides help and support to vulnerable persons, they assist in matters from homelessness to becoming separated from friends on a night out. The project greatly assists the emergency services during the busy times within the city's night time economy.

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Drunkenness/Disorder Offences

Over the reporting period 2018-19 for the Board area the following licensing offences relating to drunkenness and disorder were recorded:

Offence	Total
Section 111 - Drunk persons entering or in premises on which alcohol is sold	0
Section 111(2) -Drunk and Incapable on relevant premises	1
Section 112 - Obtaining alcohol by or for a drunk person	1
Section 113 - Sale of alcohol to a drunk person	1
Section 114 - Premises manager, staff not to be drunk	1
Section 115 - Drunk/Disorderly conduct on premises	16
Section 116 - Refusal to leave licensed premises	38
Section 138 - Obstructing Constable entering premises	1
Total	59

There has been a notable reduction of 30 offences in comparison to the 2017-18 figures and is an encouraging trend following on from previous years. Section 116 offences have seen a significant reduction from 62 from the previous year. This reduction may in part have been achieved through the work of Police Scotland and partners engaging with premises management and being visible within and around licensed premises, that any issues that become apparent are being dealt with at an early stage.

Off Sales

In Edinburgh alcohol sold as off-sales is made from a wide range of outlets, supermarkets, convenience stores, garages, off-sales and speciality shops.

Experts suggest that the main driver for change in consumer behaviour is price with alcohol prices significantly lower per unit in off-sales outlets. This change presents particular challenges in terms of,

- Preloading – drinking quantities of alcohol prior to going out to pubs, bars and clubs.
- Unregulated levels of consumption in the home leading to health harm.

The introduction of Minimum Unit Pricing (MUP) was introduced to address some of these concerns. The 2019 Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS) report, by NHS Health Scotland, found that Scots bought less alcohol in the off-trade (where 73% of all alcohol is sold). Results of the MESAS programme, just over a year since the introduction of MUP in Scotland suggests there has been a 3% fall in alcohol sales per adult in Scotland from the previous year. There has been no evidence to suggest since the introduction of MUP there has been any rise in theft of alcohol in Edinburgh Division.

Summary of other offences committed

Offence	Total
Section 1 - Unlicensed sale of alcohol	3
Section 63 - Sale or supply out-with licensed hours	1
Total	4

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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, attempting to enter any licensed 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.

The Intervention Process

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises. Police Scotland actively work with the licensed trade to problem solve issues at an early stage. In the majority of cases issues can be and are successfully resolved through communication and advice.

Where issues do emerge Police Scotland use an incremental process as part of our operational policing toolkit. This is designed to assist premises management to address matters, to reduce, prevent recurrence of alcohol fuelled violence, and other incidents of note which are directly linked to their premises. These measures, if adopted reduce the necessity for an application to be made for a review of a premises or personal licence.

Incidents connected to licensed premises are monitored daily by the licensing team to establish whether any of the licensing objectives have been compromised or where other management/ licensing issues require to be addressed or improved.

Police Officers submit an Inspection of Licensed Premises Report via the Innkeeper Licensing IT system on every occasion they are called to attend an incident at licensed premises or following a proactive visit. Particular focus is placed upon violence, disorder, antisocial behaviour, drunkenness, drug dealing or misuse, underage drinking, breaches of licensing legislation and any other matter that might impact on the safety of the public.

An incremental process allows for these emerging issues to be addressed quickly and effectively at an early stage, reducing the likelihood of escalation and recurrence. In most cases the issues can be successfully resolved through communication and advice. Premises are generally keen to take on board licensing advice and recommendations made.

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The level of engagement from within the Edinburgh trade is very good. However, where necessary, the process allows for elevated intervention to support premises where a need has been identified. Often this will involve an agreed action plan for improvements to resolve the issue(s). This is frequently undertaken in conjunction with tasked, supportive visits to the premises by Officers in order to discuss and examine the issues in more detail. These visits are designed to support staff and reassure patrons.

Should the second stage not bring about the necessary changes, or be otherwise unsuccessful, the next stage is the submission of a premises licence review application for the attention and consideration of City of Edinburgh Licensing Board. The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may merit an immediate review application without any recourse to the use of an intervention.

Every intervention agreement follows SMART objective settings:

Specific, Measurable, Achievable, Realistic and Timed.

Intervention Process - Stages	
No Action	An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.
Green – Monitored	The premises have come to note for a minor issue and require to be monitored. This may result in an informal intervention providing advice / support to the premises along with police visits.
Amber – Intervention	Issues have arisen and an intervention action plan/agreement is drawn up by the police and implemented by the licence holder to resolve them. This action may be taken with more serious or repeat issues.
Red - Problematic	Premises are operating in a manner inconsistent with the licensing objectives or outwith the terms of their licence. Where local police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the licensing board is considered the most appropriate way to address the issue.

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The following table illustrates the number of premises within each of the categories that were subject to the intervention process during the reporting year.

Intervention Process - Stages	
Green - Monitored	9 licensed premises were the subject of monitoring
Amber – Intervention	12 licensed premises were the subject of intervention action plans
Red - Problematic	2 Premises were identified as problematic and 1 Premises Review application was submitted to the Board.

Section 36 - Application for Review of Licence

During the reporting period 4 applications have been made to the Board.

3 premises licence reviews were on the basis of notification of convictions resulting in the Board determining no further action in each case.

1 premises licence review application was submitted by Police Scotland in respect of an off-sales premises under the crime and disorder licensing objective.

The application was made detailing the steps taken to try and resolve the issues including intervention with the Premises licence holder and Designated Premises Manager, in addition to supporting and compliance measures by Police Scotland, Licensing Standards and Trading Standards officers. Despite intervention serious management failings and criminality associated with the premises continued resulting in the review application. The application contained disclosable evidence, such as details of incidents that had occurred and intervention and compliance steps seeking to address the concerns directly attributable to the premises, and linked to the licensing objectives to justify the application. On 25th February 2019 the grounds for review were upheld. The Board took the decision to revoke the licence. A further review hearing took place in respect of the personal licence holder which was also revoked.

Section 84 - Personal Licence Reviews

The Licensing Team maintain an overview of the number of current Personal Licence Holders who are reported and convicted with any relevant offences. Over the reporting period, 8 such licence holders were convicted of relevant offences resulting in the Police responding to notification of conviction letters to the Board. The Board took the decision to endorse 6 of these licences.

2 personal licence reviews under Section 84A of the Act were sought this reporting year resulting in revocation of the licences.

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Partnerships

The licensing team, supported by local policing officers, have promoted the Police Service of Scotland's Force Priorities in conjunction with the five licensing objectives and the overarching principles and aims of the Licensing (Scotland) Act 2005.

The Licensing Team enjoy 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 there were numerous joint inspections of licensed premises in the Board area. Specific areas of concern which often prompts such visits are: information about lack of premises management, concerns around poor management and compliance with conditions relating to CCTV.

A key area in relation to partnership working with LSO's is during the planning phase for major and large scale events. This allows a joint working approach regarding the submission of Alcohol and Drug Management Plans by event organisers and any representations to be made to the Licensing Board in relation to conditions that may require to be attached to any plan. Furthermore, the ability for LSO's deployed alongside Police officers at events to undertake visits to licensed premises greatly enhances the ability to interact with the licensing trade.

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;
- NHS Lothian;
- Scottish Ambulance Service;
- Scottish Fire and Rescue Service;
- Immigration;
- HRMC;
- Gambling Commission

Best Bar None Initiative

Best Bar None is a National accreditation and award scheme aimed at raising standards and rewarding licensed premises who undertake positive management practices in support of a great and safe night out. The scheme is supported by City of Edinburgh Council, Police Scotland, the Scottish Fire and Rescue Service, the Scottish Government, the Scottish Business Resilience Centre and the Scottish Licensed Trade Association.

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- Best Bar None recognises venues who are offering a quality experience focusing on safety and customer care and aims to:
- Reduce Alcohol related harm, disorder and crime.
- Establish a benchmark of good practice in on-sales premises.
- Identify and reward responsible operators and share good practice with others.
- Create consistency of standards throughout Scotland with which to underpin the alcohol harm strategy.

Police Scotland are fully supportive of this initiative and the licensing department and Community Policing Teams work closely with Licensing Standard officers to raise awareness, promote and encourage premises to take part in the scheme.

Edinburgh venues participating in the scheme have in recent years have notably won national awards. 58 premises in Edinburgh division enrolled for last year's awards. The Black Rose Tavern won 'Best Overall Bar in Edinburgh' at the Best Bar None Awards in 2017 and 2018 in addition received the National Champion Award for Scotland for 2018. The premises have been instrumental in promoting, 'Ask Angela' and 'Put a lid on it' / 'Who is watching your drink' personal safety initiatives.

Personal Safety Initiatives

Data shows around 95% of rapes and sexual assaults incidents are committed by a person known to the victim or by a person the victim has just met. The following two initiatives are simple but effective and assist in inspiring potential bystanders and public house employees to identify safe options for intervention and importantly stop further victimisation.

'Ask Angela' Initiative

The Ask for Angela initiative seeks to help people who are on a date or who have met someone at a venue and feel unsafe, get help from bar staff.

The initiative aims to reduce sexual violence and vulnerability by providing customers with a non-descript phrase they can use to get the attention of staff members who can help separate them from the company of someone with whom they feel unsafe due to that person's actions, words or behaviour.

Anyone who feels unsafe in such a situation can get help from bar staff by simply asking to speak to "Angela". Staff will then assist the person in leaving the venue discreetly and getting home or to a place of safety. This could mean taking the distressed person out of sight, calling for a taxi and making sure they get home okay or even asking the person causing distress to leave the venue if appropriate.

Tackling sexual violence is a priority for Police Scotland and delivery of these sessions will support local and national prevention work. (See activity for the year ahead further on in report).

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'Put a lid on it' Initiative

The 'Put a lid on it campaign' is aimed at preventing drinks from being spiked. The Black Rose staff identified that in Scotland, it is common practice for a beer mat or napkin to be placed on top of a glass if being left unattended to alert bar staff that the customer will be returning. Expanding on this idea a hole is punched in a beer mat to facilitate a straw, and being a recyclable way to also help prevent drink spiking. The beer mats have been printed to promote both the 'Ask Angela' and 'Put a lid on it' initiatives.

'Bystander' training

Bystander training aims to provide understanding and support to make it easier for bar and door staff to spot when to intervene inside and outside venues as well as provide an insight to young person's attending colleges and Universities.

Bystander training inputs involves providing a presentation highlighting the potential vulnerability of patrons frequenting licensed premises. The purpose of this is to educate those operating as well as working within licensed premises and providing them with the knowledge needed to intervene when they assess a patron to be vulnerable or in need of assistance. These presentations are provided within the licensed premises to all available staff members. For larger operators of licensed premises, who may have a higher turnover of staff, it is also the intention to train a member of staff or management to cascade the information to other employees.

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.

We are well aware of the success of Operation Savana, a multi-agency campaign involving City of Edinburgh Council, Scottish Government Alcohol improvement Partnership and local retailers which was instigated to target proxy purchasing in Leith during July 2016. The proxy purchase 'You're Asking For It' campaign has multiple intentions of raising awareness of the offence of buying alcohol for under age persons, reducing associated disorder and harm whilst targeting those responsible.

Police/LSO joint visits of licensed premises are undertaken within the designated area and premises are provided with information packs. Edinburgh Division continue to conduct both high visibility and plain-clothes patrols providing support to premises as well as detecting offenders who are reported for licensing offences.

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Police Scotland has 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.

Edinburgh Police licensing continue in conjunction with licensees to tackle use of counterfeit, borrowed or stolen identity documents as proof of age to enter licensed premises and purchase alcohol.

Edinburgh Division is committed to continuing to engage with the community, in particular with schools through our school link officers and educational establishments to raise awareness of vulnerability and risk associated with the consumption of alcohol.

Over the reporting period 2018-19 for the Board area the following licensing offences relating to the Sale or Supply of Alcohol to Children or Young People were recorded:

Offence	Total
Section 102 – Sale of alcohol to a child or young person	2
Section 103 – allowing the sale of alcohol to a child or young person	2
Section 104 – buy alcohol for a child or young person	4
Section 105 – Purchase of alcohol by or for a child or young person	0
Section 106 – Consumption of alcohol by a child or young person	0
Total	8

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 as attempting to 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.

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At this current time, there are a number of SOCGs being managed by the Division with some of these groups having a known interest in a business requiring some form of licence to operate. This involvement in the licensing trade presents a clear opportunity to launder criminal proceeds. We are very much at the intelligence gathering stage and will always take any opportunity to carry out enforcement action around those individuals or businesses.

Edinburgh Division continues to carry out targeted premises visits to ensure that premises 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.

During the reporting period, there have been joint initiatives with Immigration enforcement to tackle illegal workers within licensed premises and the Fire Service to improve safety in establishments.

Proposed Activity for the Year Ahead

Violence and disorder have a huge effect on victims but also on the wider community with the fear it generates. It also impacts on the desirability and economy of the area involved. There is frequently a link between violence, disorder and alcohol.

Specific activity for 2019-20 includes:

- Edinburgh division in partnership with other agencies will carry out operations aimed at problem licensed premises and their environs particularly where violent crime has occurred. We will use intelligence processes to identify hot spot areas for violence and develop action plans to target known problem areas.
- We will continue to target premises highlighted for misuse of drugs or other criminal activity through searches under warrant or proactive joint inspections, utilising Specialist departments including drugs dogs and CID where appropriate.
- We will work with partners to provide evidence to the Licensing Board in an attempt to responsibly control the number of alcohol licences issued for an area. We will continue to promote and increase licensed premises visits.
- We will continue to raise objections, representations and other concerns when appropriate.
- 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.
- We will continue working in partnership with other agencies and Licensing Forum to support the delivery and outcomes of the Edinburgh Alcohol and Drug Partnership alcohol strategy that sets a strategic vision that *'Edinburgh is safe, healthy and has a culture of low risk drinking. The city is socially, economically*

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and culturally vibrant and alcohol consumption is incidental to the good quality of life that people enjoy.'

- We will work with partners to provide support and deliver personal safety Bystander and Ask Angela initiatives. We will carry out other awareness initiatives by way of posters and leaflets centred around licensed premises and over consumption of alcohol to tackle sexual violence.
- We will continue to embed and audit the new national licensing IT system Innkeeper within the division to further enhance the management of liquor and civic licensing records, documentation and information. The continued assistance obtained from City of Edinburgh Council is very much appreciated by Police Scotland. It is anticipated that this effective collaboration between the parties will continue to ensure that this valuable national resource remains fit for purpose and significantly improves the information available to assist with informed decision making.
- We will engage with major event and festival organisers to agree alcohol management plans that will set out how alcohol sale, supply and risk are to be controlled. The aim is the delivery of safe and enjoyable events that achieve strategic objectives and comply with legislation.
- We will work closely with our City of Edinburgh Council locality leadership teams and work together on the locality improvement plans and carry out actions in relation to the priorities set around alcohol misuse.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, licence holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.



The Scottish Parliament
Pàrlamaid na h-Alba

ITEM No.

7

Clerks of all Licensing Boards in
Scotland

via email

**Local Government and Communities
Committee**

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10 April 2019

Dear Clerk

The Local Government and Communities Committee took evidence on 27 March 2019 on alcohol licensing and local communities from the Minister for Community Safety, Ash Denham MSP, who is the member of the Scottish Government with lead responsibility for licensing policy. This followed on from a roundtable evidence session on the same theme with a number of stakeholders, which took place on 23 May 2018.

The Official Report of the Ministerial evidence session is available at:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12026&mode=pdf>

The Official Report of the earlier session with stakeholders is available at:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11557&mode=pdf>

In its discussion of the evidence after the meeting, the Committee noted the key themes arising from the evidence and agreed to write to all Licensing Boards in Scotland to request the following information:

What Boards see as the main challenges and opportunities to delivering public health objectives via the licensing system. The Committee was interested in the question of whether Boards felt confident to pursue public health objectives, and to mitigate public health risks, via the licensing system. In particular, the Committee noted contrasting views in evidence, from the Scottish Government and from some stakeholders, as to whether current laws and policies empower boards, in appropriate cases, to refuse applications on grounds of overprovision (and the negative public health consequences associated with that), or whether they feel

constrained in doing so because the law is insufficiently robust and clear on this point. The Committee would welcome your views on these issues.

Community planning, licensing, and public health: The Committee notes paragraph 58 of the Scottish Government's recently published *Alcohol Framework 2018: Preventing Harm*, which states that "Local communities have an important voice in local licensing decisions. However, the regime itself is not easily understood, formal in many instances and can be seen as bureaucratic." This statement very much reflects the balance of views heard during our two evidence sessions. The Framework goes on to discuss the potential role for Community Planning Partnerships to help local communities "consider the impacts of alcohol and work towards the changes that they wish to see." The Committee would welcome views from Boards on what role, if any, Boards could have in working with CPPs to advance public health objectives.

Licensing Standards Officers: the Committee heard positive evidence about the role of LSOs. The Committee would be interested in obtaining more information about LSOs in your area. In particular, the Committee would welcome information on how many are in post; whether there has been an upward or downward trend in numbers since the post was created under the 2005 Act; and whether you consider overall that the post is adequately resourced in your area to enable officers to exercise their duties effectively.

For information, letters on related matters arising from the evidence sessions are also being sent to the Law Society of Scotland and the Scottish Government. The intention is to publish all exchanges of correspondence as public evidence in relation to the Committee's work

It would be very helpful to have a response by Monday 13 May 2019.

Yours sincerely

A large black rectangular redaction box covering the signature of James Dornan MSP.

James Dornan MSP
Convener of the Local Government and Communities Committee