

• EDINBURGH •

LICENSING BOARD

NOTICE OF MEETING

MONDAY 27th FEBRUARY 2023

Start time: 9.30am

LOCATION: DEAN OF GUILD ROOM

AGENDA

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

1. Convenor's Update
2. Update – Policy Consultation – Next Steps
3. Minutes of meeting of 30th January 2023 and matters arising
4. Applications - details as set out in separate list
5. Premises Licence Review Application – Referral from Convenor
6. Personal Licence Hearing – Kerry Killen
7. Personal Licence Hearing – Donna Killen

Nick Smith
Clerk of the Licensing Board

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LICENSING BOARD

Licensing Board membership:

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

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>

INITIAL CONSULTATION – STATEMENT OF LICENSING POLICY – NEXT STEPS

1. Purpose

- 1.1 To provide an update to the Board on its initial consultation on its statement of licensing policy and the next steps to be taken;
- 1.2 To confirm the Board's consideration of responses received from consultees;
- 1.3 To seek the Board's agreement on conducting hearings on the responses received;
- 1.4 To seek the Board's views on carrying out its overprovision assessment.

2. Preparation of Statement of Licensing Policy

- 2.1. The Board is required by [section 6](#) of the Licensing (Scotland) Act 2005 (“the Act”) to publish a Statement of Licensing Policy (“the policy”) setting out how it will exercise its functions. The Board must ensure that its policy promotes the licensing objectives set out in the Act.
- 2.2. The [existing policy](#) was agreed on 26th November 2018. The Board is required to ensure publication of its new policy within 18 months of local authority elections – in this instance, by 4th November 2023.
- 2.3. The new policy must include an overprovision assessment in terms of [section 7](#) of the Act. The assessment requires to be prepared on the basis of evidence gathered from appropriate sources, and consulted upon before final inclusion in the policy.
- 2.4. Scottish Government has updated the statutory guidance for Boards on their exercise of functions, including [preparing policy statements](#) and [assessing overprovision](#).

Consultation – Policy

- 2.5. The Board's [initial consultation](#) on the terms of its current policy ran from 30 September – 20 December 2022. The Board highlighted the following as topics it had a particular interest in, but encouraged consultees not to be restricted by those topics in providing their responses:-
 - Current licensing hours
 - Extension of licensed hours
 - Children and young persons' access to licensed premises
 - Temporary licensing – use of occasional licences
 - Overprovision

INITIAL CONSULTATION – STATEMENT OF LICENSING POLICY – NEXT STEPS

- 2.6. The Board held a meeting on [10 February 2023](#) via Teams, which was [webcast](#). At the same time, the Board published the details of the consultation responses, grouped by topic heading. At the 10 February meeting, the Board discussed the responses in detail and agreed it would be beneficial (1) to hear in more detail from a number of consultees on their responses as submitted and (2) to encourage responses from those the Board had not yet heard from, but wanted to consult for their views.
- 2.7. The Board agreed that hearings should be scheduled at dates and times to best suit the attendance of Board members, Council officers and consultees alike. The meetings would require to be held in public, with the potential for webcasting where possible.
- 2.8. The conduct of the hearings can be agreed in advance and communicated to those the Board wishes to hear from in more detail, and this was discussed during the meeting on 10 February.
- 2.9. At the conclusion of the hearings there will be a requirement for further reporting to the Board on the next part of the consultation process, involving preparation and eventual publication of a fresh draft policy, to allow the next consultation stage to proceed.

3. Assessment of overprovision

- 3.1. The Statement of Licensing Policy must include a statement by the Board as to the extent to which there is considered to be overprovision of (a) licensed premises, or (b) licensed premises of a particular description, in any locality within the Board's area. The current assessment is set out in Chapter 9 of the policy.
- 3.2. While a number of consultee responses have referred to overprovision, there has been little evidence offered at this stage to enable the Board to identify specific localities in addition to what is already set out in the policy, or indeed specifically in relation to the existing localities. .
- 3.3. It is emphasised that it is for the Board to decide on a specific locality/localities, and in doing so it may treat its entire area as a locality, or declare there is no overprovision in any locality. In considering whether there is overprovision in a locality the Board:-
 - (a) must have regard to the number and capacity of licensed premises in the locality
 - (b) may have regard to such other matters as it thinks fit, including the licensed hours of premises in the locality

If the Board considers it necessary to designate any particular locality as being an overprovision locality, it will first have to obtain the specific information as set out above, before further consulting with:-

INITIAL CONSULTATION – STATEMENT OF LICENSING POLICY – NEXT STEPS

- the Chief Constable
- the Health Board
- such persons as considered to be representative of:-
 - premises licence holders in the locality
 - residents in the locality
- such other persons as the Board thinks fit

3.4. If the Board considers localities with overprovision characteristics have been highlighted, the Board must ensure that up to date information is obtained from appropriate sources, particularly Police, NHS Lothian, and the Council. Any localities identified by the Board as overprovision localities would then have to go through the further consultation process as set out above.

4. Next Steps

- 4.1 The Board is asked to agree to instruct the Depute Clerks, consulting with the Convenor and Vice-Convenor, to make arrangements to set up hearings, including how they are to be conducted.
- 4.2 At the conclusion of the hearings, the Depute Clerks would prepare a further report to the Board, including a draft of the policy incorporating all of the evidence received to date, to enable the Board to agree the terms of a new draft policy for publication and formal consultation.
- 4.3 The Board will require to give further consideration to the preparation of its overprovision assessment. As stated earlier in the report, the Board can call upon Police, Health Board and Council to provide information to assist in preparing an overprovision assessment.

5. Recommendations

- 5.1 The Board is asked:-
- (a) To delegate arrangements for holding hearings on the representations received, and to instruct the Depute Clerks accordingly, in consultation with the Convenor and Vice-Convenor;
 - (b) To consider next steps for carrying out an overprovision assessment, and to instruct the Depute Clerks accordingly, in consultation with the Convenor and Vice-Convenor as necessary.

Depute Clerk of the Licensing Board

MINUTES OF MEETING

MONDAY 30th JANUARY 2023

Board members present: Councillors Louise Young (Convenor); Jason Rust (Vice-convenor); Chas Booth; Lezley Marion Cameron; Pauline Flannery; Catherine Fullerton; Margaret Graham; David Key; Norman Work

Police: Sergeant Greig Stephen

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

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

In the temporary absence of the Convenor, the Board agreed the appointment of Councillor Rust to chair the meeting. The Board went on to consider items 2 and 3 below, before Councillor Young resumed the chair for the remaining items.

1. Convenor's Update

The Convenor confirmed it was intended there would be a Board meeting on 10th February to enable more detailed consideration of the consultation responses, to be conducted using Teams and webcast. To allow Board members the opportunity to prepare for that meeting there would be opportunities for drop-in meetings beforehand, to enable consideration of processes to be followed.

The Convenor noted that arrangements which had been put in place to encourage applicants and agents not to submit late updates to applications prior to Board meetings were working well and this was encouraged to continue, with the Thursday prior to Board meetings being a cut-off point.

Referring to the use of occasional licences, the Convenor advised it continued to be noted that longer term licensing of premises by means of occasional licences remained an issue. It was therefore expected that more applications would be referred to the Board for consideration at future meetings, in light of the terms of the Board's policy.

Finally the Convenor highlighted the importance of applicants and agents ensuring that applications being submitted to the Board were complete and comprehensive, to avoid delays in applications being given due consideration and the knock-on impact on other Board business.

2. Verbal Update – Policy Consultation

Nick Fraser advised the Board of the extent of responses received to the initial stage of the policy consultation. He confirmed a general breakdown of the nature of responses received and that more detail would be made available to the Board for consideration at a separate meeting (referred to at 1 above). The Board discussed the possibility of

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publishing responses to the consultation and it was agreed this should be done where possible.

3. Proposed Board Meeting Dates – 2023/24

The Board noted the meeting dates proposed for inclusion in the Council's meetings calendar, for the remainder of 2023 and first half of 2024. The Board agreed to the dates as proposed, but also agreed the existing meeting date for March 2023 should be moved to 27th (from 20th) and the meeting date for March 2024 should be 25th (rather than 18th).

4. Minutes of meeting of 28th November 2022 and matters arising

The minutes and decision list for the meeting of 28th November 2022 were agreed, with the clarification that Councillor Booth had declared non-financial interests in two continued provisional premises licence applications – (1) St Andrews Hall, 3 St James Place and (2) Unit 4.02A, 416 St James Crescent – and had withdrawn from consideration of those applications.

5. 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.

6. Occasional Licence Referral – Biscuit Factory, 4-6 Anderson Place

The Convenor confirmed she had referred an application for occasional licence to the Board for consideration, noting the premises had been licensed by means of occasionals for a considerable period of time. The Board noted representations from LSOs and Building Standards in particular and heard from the applicant's agent Alistair Macdonald and from the applicant.

Following consideration of the representations made the Convenor, seconded by the Vice-convenor, moved refusal of the application. Councillor Booth seconded by Councillor Key moved grant of the application, with a direction to the deputy clerks that if applications were continuing to be made after a period of three months there should be further referral to the Board.

By a majority decision, the Board agreed to grant with the direction as specified.

7. Transfer Application – 88 Lothian Road

The Deputy Clerk advised that a request had been received from legal agents acting for the administrators of the Filmhouse premises on 88 Lothian Road for the Board to exercise its dispensing power in terms of section 135 of the 2005 Act, and thereafter allow the late submission by the administrator of a late section 34 transfer application. Mrs Leck provided a detailed explanation to the Board of the terms of section 135 and the implications in terms of consideration of similar applications.

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The Board heard from Alistair Sutherland on behalf of the administrator who explained why the request was being made and providing some background on the premises. The Board noted he was limited by how much specific detail he could provide at this time.

Following consideration of the representations made, the Convenor, seconded by Councillor Cameron, moved that the request for the Board to exercise its section 135 power be denied as there was insufficient information available to support its use. Councillor Booth, seconded by Councillor Fullerton, moved that the Board should exercise the section 135 power in this instance.

By a majority decision the Board agreed not to exercise its section 135 power. Consequently the premises licence was confirmed as having ceased to have effect.

8. Premises Licence Review Hearing – Spey Lounge, 39 Leith Walk

The Depute Clerk confirmed an application for premises licence review had been received from Police Scotland. Sergeant Stephen highlighted the terms of the application, explaining why it had been submitted. The Board noted the terms of the LSO report provided by Veronica Macmillan. The Board then heard from Alistair Macdonald on behalf of the premises licence holder, noting he was accompanied by the tenant Adel Moussa and a representative from Trust Inns Limited, Peter Dorovic. The Board noted Kerry Killen and Donna Killen were also in attendance.

Following detailed consideration of the application and the representations made, the Board agreed that it was necessary for the licensing objectives to take action with the premises licence. The Convenor, seconded by the Vice-convenor, moved that the premises licence should be varied to reduce the terminal hour to 2230. Councillor Work, seconded by Councillor Fullerton, moved that the licence be varied to reduce the terminal hour to 2300.

By a majority decision the Board agreed to vary the licence to reduce the terminal hour to 2300. In addition the Board confirmed findings had been made in respect of the personal licences held by Kerry Killen and Donna Killen and that both should be called to a future Board meeting for consideration on further action.

THE CITY OF EDINBURGH LICENSING BOARD

Continued VARIATION OF 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	CONTINUED Date to be confirmed once Building Standards inspection completed.

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Continued VARIATION OF 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	GRANTED

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VARIATION OF 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 Buiyleon Road, South Queensferry, EH30 9YJ	No	Yes	No	Variation to off sales capacity to 45.9 linear meters; Amended layout plan CC LSO	GRANTED

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VARIATION OF PREMISES LICENCE APPLICATIONS

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	GRANTED Operating Plan to state as per Board policy - Children and Young Persons access, 9pm for Children, 1 am when attending a private function on the premises and accompanied by an adult. 1am for Young Persons

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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	GRANTED

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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	GRANTED Capacity 410 Applicant to amend layout plan to delineate Children and Young Persons access area

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VARIATION OF PREMISES LICENCE APPLICATIONS

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	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 CC LSO Ox2 Ms A. Stewart New Town and Broughton Community Council	CONTINUED to a future meeting of the Licensing Board meeting 2023 to allow for a site visit to be arranged

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VARIATION OF PREMISES LICENCE APPLICATIONS

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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	GRANTED

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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	GRANTED Capacity 140

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VARIATION OF PREMISES LICENCE APPLICATIONS

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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	GRANTED (on a division)

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VARIATION OF 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	GRANTED

THE CITY OF EDINBURGH LICENSING BOARD

VARIATION OF 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)	Late objection admitted Application amended to delete addition to terminal hours for on sales GRANTED as amended Dissent noted Cllr Flannery, Cllr Young

THE CITY OF EDINBURGH LICENSING BOARD

VARIATION OF 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, Craigeith, 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	GRANTED

THE CITY OF EDINBURGH LICENSING BOARD

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	GRANTED All amplified music and vocals shall be controlled so as not to be an audible nuisance in neighbouring residential premises. Terminal hour for Children and Young Persons: Children – • 11pm • 1am when attending a private function on the premises and accompanied by an adult Young Persons – • 1am Deliveries of Alcohol with food order only Capacity 26

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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	GRANTED 'All amplified music and vocals shall be controlled so as not to be an audible nuisance in neighbouring residential premises'. Capacity 83.94 linear meters

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

27 February 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 R. Stanley Ms S. Shad Ms F. Allen Mr B. Arnott	

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

27 February 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	480503	Lidl Great Britain Limited	Lidl Great Britain Limited Licensing Department, Palmer Avenue, Central Park, Severn Beach, BRISTOL, BS35 4DF	35 Newkirkgate, Edinburgh, EH6 6AA	No	Yes	No	To increase of core off sales capacity as well as increase in seasonal off sales capacity. To amend layout plan (refurbishment and extension of the store). CC LSO	

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

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	480656	Accor UK Business & Leisure Hotels Limited	Morton Fraser LLP 2 Lister Square, Edinburgh, EH3 9GL	80 Lauriston Place, Edinburgh, EH3 9DE	No	No	Yes	1. Reference to outdoor drinking facilities outwith core hours in list of permitted activities with associated change in wording. 2. Change in hours for indoor sports to run from 6am to 11pm daily. 3. Inclusion of yoga in permitted activities. 4. Change in wording in relation to access of those under 18 to gym facilities. 5. Layout plan changes within basement and ground floor CC LSO	

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

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	480953	Lidl Great Britain Limited	Lidl Great Britain Limited Licensing Department, Palmer Avenue, Central Park, Severn Beach, BRISTOL, BS35 4DF	7 Drum Street, Edinburgh, EH17 8QQ	No	Yes	No	Increase off sales capacity. Layout plan will change to increase alcohol section to allow the store to sell more of a standard range. CC LSO	

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NOTICE OF APPLICATIONS - Variation PREMISES LICENCE APPLICATIONS

27 February 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	482729	Edin Leisure Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	192a High Street, Edinburgh, EH1 1RW	No	No	Yes	To replace the current Condition on amplified music and vocals with "All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises". To increase the capacity as a result of the additional outside area, to show 70 in that area. To substitute a new Layout Plan showing the additional outside area. CC LSO BSR Ox1 Old Town Community Council	

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

27 February 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	482492	The Trout Anglers Club	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	29 Dundas Street, EH3 6QQ	No	No	Yes	<p>To delete local conditions 3 and 4. To increase on sales hours; to add off sales. To add Q5 (a-d)-Conference Facilities, Bar Meals, Films and Outdoor, Drinking facilities as Activities. To add wording in Q5 and Q5(f) text boxes to provide additional information about activities within and outwith core hours and provide activities that are not listed in 5(a)-5(e). To amend the wording to Q6, Children & Young Persons, to reflect the fact that they may be on the premises for social occasions, including pre-booked functions. To appoint a Premises Manager. To amend Layout Plan to include outdoor area and changes carried out to the premises.</p> <p>CC LSO BSR Ox8 Dr F.R. Burgess Mr D. Cavaye Mr M. Dowds Mr and Mrs Fallows Mr and Mrs Greig Dr H. Hubbard Mr and Mrs Russel Mrs R. Cameron</p>	

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

27 February 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	480739	Glenkeir Whiskies Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	18 Multrees Walk, New Town, Edinburgh, EH1 3DQ	No	Yes	No	Retail unit within Multrees Walk development in Edinburgh. CC LSO BSR	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	481394	Zero Zero Wines Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	18 South Clerk Street, Edinburgh, EH8 9PR	No	No	Yes	The premises is located at 18 South Clerk Street, Edinburgh The premises will trade as a specialist wine café bar and off sales shop. The shop consists of a public area on the ground floor which contains the off sale shop and tables and chairs for customer who wish to consume on the premises. There is a toilet to the lower level of the premises. CCx2 LSO BSR	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	481588	Squint Edge Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	314 Morningside Road, Morningside, Edinburgh, EH10 4QH	No	Yes	No	Retail store for high end imported wines, craft beers and spirits with a limited main stream stock. CC LSO BSR	

THE CITY OF EDINBURGH LICENSING BOARD
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27 February 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	481592	Voodoo Doll Ltd	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	7-15 Rose Street, New Town, Edinburgh, EH2 2PR	Yes	No	No	Bar, with a focus on music situated on Rose Street in Edinburgh. CCx2 LSO BSR Ox1 New Town and Broughton Community Council	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	482879	Mr Muhammad Tanveer Hameed	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	70 Raeburn Place, Stockbridge, Edinburgh, EH4 1HJ	No	Yes	No	Retail premises located on the ground floor of a tenement building on Raeburn Place in Stockbridge. CCx2 LSO BSR	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	481934	Mr Beer Singh	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	14 Polwarth Crescent, Polwarth, Edinburgh, EH11 1HW	No	Yes	No	Small takeaway located on the ground floor of the building on Polwarth Crescent Edinburgh over ground floor and basement. CC LSO BSR Ox1 Merchiston Community Council (representation)	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	482193	Mr Amit Kumar Singh	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	9 Dundee Terrace, Edinburgh, EH11 1DL	No	No	Yes	Small restaurant located on the ground floor and basement of a tenement on Dundee Terrace. CCx2 LSO BSR Ox1 Merchiston Community Council (representation)	

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No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
8.	482645	Edinburgh Street Food Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	Units 6 & 7 Omni Centre, 1 Greenside Place, Greenside, Edinburgh, EH1 3AA	No	No	Yes	Bar/ Restaurant located within two units in the Omni Centre, which is a purpose built centre containing restaurants, bars and a cinema. CCx2 LSO BSR	

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27 February 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
9.	483338	Black Sheep Coffee Bar Ltd	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	8 Haymarket Square, Edinburgh, EH3 8RY	No	No	Yes	Licensed coffee shop / restaurant with external seated area on two levels within a purpose built development of leisure, retail and office spaces in the Haymarket area of Edinburgh city centre. CCx2 LSO BSR	

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NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

27 February 2023

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
10.	483403	Black Sheep Coffee Bar Ltd	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	24-25 Princes Street, New Town, Edinburgh, EH2 2AN	No	No	Yes	Licensed coffee shop / restaurant on ground and first floor of a commercial building on Princes Street on the corner of South St Andrew Street in Edinburgh city centre. CCx2 LSO BSR Ox1 New Town and Broughton Community Council	

PREMISES LICENCE REVIEW APPLICATION – WOODHALL ARMS, 137 LANARK ROAD WEST, CURRIE – REFERRAL FROM CONVENOR

1. Purpose

- 1.1 To advise the Board of a referral from the Convenor for an application which has been submitted to the Board for review of a premises licence.
- 1.2 To ask the Board to consider whether the application should proceed to a hearing.

2. Main Report

- 2.1. A premises licence review application has been submitted to the Licensing Board for the Woodhall Arms, 137 Lanark Road West, Currie.
- 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, and she has referred the application to the Board for initial consideration.
- 2.3. 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.
- 2.4. At this stage the Board is not being asked to hold a premises licence review hearing, but to decide whether the application received should proceed to a hearing.

3. Recommendation

- 3.1 The Board is asked:-
 - (a) to note the terms of the premises licence review application;
 - (b) to decide whether the application should proceed to a hearing, noting the terms of paragraphs 2.2 and 2.3 above.

4. Background Papers

- 4.1 Application for review of premises licence, dated 3 February 2023.

Depute Clerk of the Licensing Board

PERSONAL LICENCE REVIEW – SECTION 84 – KERRY KILLEN

1. Purpose

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

2. Main Report

- 2.1. Kerry Killen holds a personal licence issued by the East Lothian Licensing Board. At its meeting on 30th January 2023 the Board held a premises review hearing for the Spey Lounge, premises at which Ms Killen works. As Ms Killen works as a personal licence holder in the Board's area, it is able to hold a hearing on her licence.

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

- 2.3. If the Board is satisfied that it is necessary to take action for the purposes of any of the licensing objectives, it may make an order:-

- (a) revoking;
- (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorsing

the personal licence.

- 2.4. If it is considered, having regard to the licensing objectives, that the licence holder is no longer fit and proper to hold the licence, the Board must revoke the licence.

- 2.5. Ms Killen's personal licence was considered by the Board following an earlier review of the Spey Lounge premises licence on 26th September 2022. At its meeting on 31st October 2022 the Board agreed to take no action with her personal licence.

3. Recommendation

- 3.1 The Board should:-

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

PERSONAL LICENCE REVIEW – SECTION 84 – KERRY KILLEN

4. Background Papers

- 4.1 Premises licence review application – Spey Lounge – 30th January 2023

Depute Clerk of the Licensing Board

PERSONAL LICENCE REVIEW – SECTION 84 – DONNA KILLEN

1. Purpose

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

2. Main Report

- 2.1. Donna Killen holds a personal licence issued by the East Lothian Licensing Board. At its meeting on 30th January 2023 the Board held a premises review hearing for the Spey Lounge, premises at which Ms Killen works. As Ms Killen works as a personal licence holder in the Board's area, it is able to hold a hearing on her licence.

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

- 2.3. If the Board is satisfied that it is necessary to take action for the purposes of any of the licensing objectives, it may make an order:-

- (a) revoking;
- (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
- (c) endorsing

the personal licence.

- 2.4. If it is considered, having regard to the licensing objectives, that the licence holder is no longer fit and proper to hold the licence, the Board must revoke the licence.

3. Recommendation

- 3.1 The Board should:-

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

Background Papers

- 4.1 Premises licence review application – Spey Lounge – 30th January 2023

Depute Clerk of the Licensing Board