

# • EDINBURGH •

LICENSING BOARD

## NOTICE OF MEETING

MONDAY 27<sup>th</sup> MARCH 2023

Start time: 9.30am

LOCATION: DEAN OF GUILD ROOM

## AGENDA

NOTE: 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. Extended Hours Policy – (1) King's Coronation and (2) Edinburgh Festivals 2023
3. Minutes of meeting of 27<sup>th</sup> February 2023 and matters arising
4. Applications - details as set out in separate list
5. Occasional Licence Applications – Referrals List
6. Provisional Premises Licences – Extension Requests
7. Provisional Premises Licence – Extension Request – Use of Section 135
8. Premises Licence Annual Fees

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>

## CONFIRMATION OF BOARD POLICY – (1) EXTENDED HOURS DURING KING'S CORONATION WEEKEND (2) EXTENDED HOURS DURING EDINBURGH INTERNATIONAL FESTIVAL AND FRINGE 2023

### 1. Purpose

- 1.1 To confirm the Board's policy on extended hours for the weekend of the King's Coronation.
- 1.2 Noting the dates announced for the Edinburgh International Festival and Fringe Festival 2023, to ask the Board to consider the terms of its policy on extended hours during the festivals period.

### 2. Main Report

- 2.1. The Board's current Statement of Licensing Policy confirms the following with regard to extended hours during the annual Festival period:-

"...a two hour extension to the usual terminal hour of the premises concerned is regarded as acceptable in the normal course of events. ...Where the operating plan for premises does not indicate an intention to take advantage of extended trading an application for those premises seeking extended hours for the period will have to be made and this will have to set out the specific days and hours when trading is intended..."

#### King's Coronation Weekend

- 2.2. The King's Coronation is due to take place on 6 May 2023. A UK bank holiday has been confirmed for 8 May 2023. No formal request has been made to the Edinburgh Licensing Board for an extension of licensed hours for the weekend of the Coronation, although there have been some enquiries about this. It is open to the Board in terms of section 67 of the 2005 Act to make a general extension of licensed hours in connection with a special event of local or national significance.
- 2.3. The Board has previously received similar enquiries about events such as Jubilee events and Royal weddings. On those occasions the Board agreed not to make a general extension, but that it would remain open to licence holders to make individual applications for extended hours, where additional hours were considered necessary for events being held in those premises. Each application would be considered on its merits.
- 2.4. In the event the Board considers a general extension appropriate, the Board may wish to consider consulting with police and LSOs before finalising its decision.

#### Festivals 2023

- 2.5. The Edinburgh International Festival 2023 has been announced as taking place between 4<sup>th</sup> and 27<sup>th</sup> August 2023 (inclusive). The Fringe

## CONFIRMATION OF BOARD POLICY – (1) EXTENDED HOURS DURING KING'S CORONATION WEEKEND (2) EXTENDED HOURS DURING EDINBURGH INTERNATIONAL FESTIVAL AND FRINGE 2023

Festival is due to take place between 4<sup>th</sup> and 28<sup>th</sup> August 2023 (inclusive).

- 2.6. In terms of its policy, the Board confirms the start and end dates during which the festival extended hours policy would apply. In the event the Board agrees dates, the two hour extension to on sales hours automatically applies for premises where provision is made for seasonal variations in their operating plans. All others wishing to make use of later operating hours would have to submit extended hours applications in the usual way, but against the backdrop of a confirmed policy during the Festivals period.
- 2.7. In previous years (2020 excepted), the Board has agreed the Festival extended hours period operate for the duration of the confirmed Festivals dates. If the Board takes the same approach for 2023 in terms of the dates set out above, details would be published on the Board's website.
- 2.8. If the Board considers more information is required before reaching a decision, a further report can be provided for the meeting scheduled in April, with such additional information as is considered necessary.

### **3. Recommendation**

- 3.1 The Board is asked to consider whether or not to make a general extension of licensed hours in terms of section 67 of the 2005 Act.
- 3.2 The Board is asked to consider the terms of its policy on extended hours and how it is to be applied during the 2023 Festival period.

### **4. Background Papers**

- 4.1 Licensing Board Statement of Licensing Policy – paragraph 11.7 – Hours of Trading

**Depute Clerk of the Licensing Board**

MINUTES OF MEETING

MONDAY 27<sup>th</sup> FEBRUARY 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); Nick Fraser (Depute Clerk) Morag Leck (Depute Clerk)**

In its consideration of items 1-3 below the Board deliberations were broadcast using the Council's webcast system. A copy of the webcast can be viewed [here](#).

**1. Convenor's Update**

Occasional Licences – The Convenor referred to the Board's policy on long term use of occasional licences and advised of discussions with the Depute Clerks about the current status of applications which were due for consideration. The main focus would be on premises where there had been long term use of occasionals as a means of licensing.

As a general guide for potential applicants, premises which had operated for 6 months or under would be advised of the terms of the Board's policy, but would not be immediately considered for referral unless there were issues of concern. Premises which had been operating between 6 to 12 months, but with an underlying application for provisional or premises licence would be reminded of Board policy and asked to provide an update to Board on their licence application. Premises operating between 6 to 12 months without an application for licence would be considered for referral to the Board. Anything over 12 months would be very likely to be referred to the Board for consideration.

The Depute Clerk confirmed a snapshot figure for premises operating by means of occasionals for more than a year, amounting to 85 premises. This would result in an annual figure of 2,210 occasional licences for premises in that category.

Applications backlog – the Convenor noted that the waiting time for applications submitted reaching the Board was currently up at around 6-7 months. She highlighted steps being taken at Board meetings to streamline the process for consideration of applications, with a view to achieving a more efficient consideration process.

**2. Update – Policy Consultation – Next Steps**

The Depute Clerk narrated the terms of the report, confirming the Board met on 10<sup>th</sup> February 2023 to consider the responses received to the Board's initial consultation, and the meeting had been [webcast](#). The responses to the consultation had been redacted and published [online](#). The report set out details of next steps to be taken by the Board, including setting up hearings to consider consultation responses in more detail and that

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## LICENSING BOARD

there would be a requirement for further work to be carried out in relation to the Board's assessment of overprovision.

The Board discussed the terms of the report, and considered additional next steps as proposed by the Convenor and additional recommendations for further action. Following discussion the Convenor, seconded by the Vice-Convenor, proposed amendment of the next steps referred to in the report by adding:-

“4.4 The Convenor will provide a summary to members prior to the start of the evidence sessions, as a reminder of the questions and consideration that were identified in the discussion of 10<sup>th</sup> February and which can be explored further in evidence sessions as applicable. ”

and in addition to the recommendations set out in the report, to add the following:-

“5.1(c) To agree that in particular the Convenor write to the Edinburgh Drug and Alcohol Partnership, The Scottish Youth Parliament, and the Scottish Ambulance Service to invite their comments on the current policy and over-provision statement.

5.1(d) To request information from the Police, NHS and Council on currently licensed premises in current areas of over-provision and (as suggested on 10<sup>th</sup> February) the area of Leith to inform further consultation on the new over-provision statement.

5.1(e) To receive an update on progress of all recommendations at the April Licensing Board. ”

The Board agreed unanimously to the amendments as proposed.

### 3. Minutes of meeting of 30<sup>th</sup> January 2023 and matters arising

The minutes and the decisions on applications considered at the meeting of 30<sup>th</sup> January 2023 were agreed.

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

The details of applications considered by the Board at the meeting on 27<sup>th</sup> February 2023 are set out in a separate decision list for approval and to be appended to these minutes.

### 5. Premises Licence Review Application – Referral from Convenor

The Depute Clerk referred to an application submitted for review of premises licence for the Woodhall Arms, 135-137 Lanark Road West. The application was before the Board for initial consideration, having been referred by the Convenor. The Convenor explained that due to the nature and terms of the review application she had considered it appropriate for the Board to consider it collectively and decide whether the application should proceed to a review hearing.

After consideration of the terms of the application, the Board agreed the application should be scheduled for a hearing at a later date. Councillor Work, dissented from the decision, advising that he considered more information was needed before a decision could be reached on the application.

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## LICENSING BOARD

### 6. Personal Licence Hearing – Kerry Killen

The Board noted that Kerry Killen had been unable to attend the meeting. Her agent Alistair Macdonald advised that she was expected to surrender her personal licence to the East Lothian Licensing Board before the end of March. The Board agreed to continue the hearing for an update on that at the next Board meeting.

### 7. Personal Licence Hearing – Donna Killen

The Depute Clerk confirmed the Board had made a finding in respect of Donna Killen's personal licence at its previous meeting, and the hearing was for the purpose of the Board deciding what steps to take with the licence. Alistair Macdonald was present with Ms Killen. He explained he had instructions to surrender her licence to the East Lothian Licensing Board.

On that basis, the Board agreed it would take no action and would simply note the position.

# DECISION LIST – 27 FEBRUARY 2023

## VARIATION OF 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	GRANTED as amended (no longer increasing capacity)  Capacity remains 1615



## DECISION LIST – 27 FEBRUARY 2023

### LICENSING (SCOTLAND) ACT 2005 VARIATION OF PREMISES LICENCE APPLICATIONS

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	GRANTED

# DECISION LIST – 27 FEBRUARY 2023

## LICENSING (SCOTLAND) ACT 2005 VARIATION OF PREMISES LICENCE APPLICATIONS

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	GRANTED  2200 restriction on outdoor drinking

DECISION LIST – 27 FEBRUARY 2023

**LICENSING (SCOTLAND) ACT 2005**  
**VARIATION OF PREMISES LICENCE APPLICATIONS**

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	GRANTED

DECISION LIST – 27 FEBRUARY 2023

**LICENSING (SCOTLAND) ACT 2005**  
**VARIATION OF PREMISES LICENCE APPLICATIONS**

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	GRANTED  Overall capacity remains 125 (including inside and outside area)

# DECISION LIST – 27 FEBRUARY 2023

## LICENSING (SCOTLAND) ACT 2005 VARIATION OF PREMISES LICENCE APPLICATIONS

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 &amp; 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>	<p>Granted (on a division)</p> <p>2200hrs terminal hour for outdoor area</p> <p>Undertaking to be noted to have further engagement with objectors and neighbouring residents</p> <p>(Cllr Work, Fullerton, Key, Cameron, Rust, Young – GRANT</p> <p>Cllr Flannery, Graham, Booth – CONTINUE for further engagement)</p>

# DECISION LIST – 27 FEBRUARY 2023

## LICENSING (SCOTLAND) ACT 2005 PROVISIONAL PREMISES LICENCE APPLICATIONS

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	GRANTED  Applicant to amend and agree wording for premises description with Clerk of the Licensing Board  All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises.  Capacity 99 linear metres

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**LICENSING (SCOTLAND) ACT 2005**  
**PROVISIONAL PREMISES LICENCE APPLICATIONS**

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	<p>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.</p> <p>CCx2 LSO BSR</p>	<p>GRANTED</p> <p>Applicant to provide amended layout plan (basement area now excluded) Applicant to provide Operating Plan referring to new agreed capacity.</p> <p>All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises.</p> <p>Capacity 20</p>

# DECISION LIST – 27 FEBRUARY 2023

## LICENSING (SCOTLAND) ACT 2005 PROVISIONAL PREMISES LICENCE APPLICATIONS

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	GRANTED  All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises.  Capacity 61.92 linear meters



# DECISION LIST – 27 FEBRUARY 2023

## LICENSING (SCOTLAND) ACT 2005 PROVISIONAL PREMISES LICENCE APPLICATIONS

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	<p>Bar, with a focus on music situated on Rose Street in Edinburgh.</p> <p>CCx2 LSO BSR Ox1 New Town and Broughton Community Council</p>	<p>GRANTED (on a division)</p> <p>All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises.</p> <p>Applicant to amend operating plan to reflect change of capacity.</p> <p>2200hrs outdoor area terminal hour</p> <p>Applicant agreed to amend children and young person access time to 0100hrs for young persons during seasonal variations.</p> <p>Capacity 230</p> <p>(Cllrs Work, Fullerton, Cameron, Key, Rust – GRANT Cllrs Young, Booth, Graham, Flannery – REFUSE)</p>

# DECISION LIST – 27 FEBRUARY 2023

## LICENSING (SCOTLAND) ACT 2005 PROVISIONAL PREMISES LICENCE APPLICATIONS

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	GRANTED  All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises.  43.7 linear meters

# DECISION LIST – 27 FEBRUARY 2023

## LICENSING (SCOTLAND) ACT 2005 PROVISIONAL PREMISES LICENCE APPLICATIONS

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)	GRANTED  All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises.  Takeaway/delivery of alcohol only with provision of food

# DECISION LIST – 27 FEBRUARY 2023

## LICENSING (SCOTLAND) ACT 2005 PROVISIONAL PREMISES LICENCE APPLICATIONS

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)	GRANTED  All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises.  Takeaway/delivery of alcohol only with provision of food  Capacity 30

DECISION LIST – 27 FEBRUARY 2023

**LICENSING (SCOTLAND) ACT 2005**  
**PROVISIONAL PREMISES LICENCE APPLICATIONS**

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	<p>Bar/ Restaurant located within two units in the Omni Centre, which is a purpose built centre containing restaurants, bars and a cinema.</p> <p>CCx2 LSO BSR</p>	<p>GRANTED</p> <p>All amplified music and vocals shall be so controlled so as not to be an audible nuisance in neighbouring residential premises.</p> <p>Capacity 530 (between inside and outside areas)</p> <p>2200hrs terminal hour for outdoor area</p> <p>Takeaway/delivery of alcohol only with provision of food</p>

# DECISION LIST – 27 FEBRUARY 2023

## LICENSING (SCOTLAND) ACT 2005 PROVISIONAL PREMISES LICENCE APPLICATIONS

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	GRANTED  Applicant agreed to not extend children and young person access during seasonal variations  2200hrs terminal hours for outdoor area  Capacity 190 (140 internally, 50 externally)

## DECISION LIST – 27 FEBRUARY 2023

### LICENSING (SCOTLAND) ACT 2005 PROVISIONAL PREMISES LICENCE APPLICATIONS

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	Withdrawn on 24.02.2023

### PERSONAL LICENCE APPLICATION

Matthew Bisset – CC objection – Application refused

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1	469823	Scotsman Group Plc	TLT Solicitors	6 Picardy Place, Edinburgh	No	No	Yes	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; Amend erroneous address; Amend description; Modify DPM home address	



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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	486064	Miss Helena Novotna	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	155 Dundee Street, Fountainbridge, Edinburgh, EH11 1BP	No	Yes	No	To increase the capacity to 30.64m. To substitute a new layout plan showing the proposed new layout.  CC LSO 1xO Merchiston Community Council (representation)	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	480250	Dragonglass UK Holding Limited	Brodies LLP 58 Morrison Street, West End, Edinburgh, EH3 8BP	20-24 Grosvenor Street, Edinburgh, EH12 5EG	No	No	Yes	To amend on sales Sunday opening time to 11:00; to add off sales. To amend wording of Seasonal Variations. To amend Q5(c) live performances, dance facilities, theatre, films, Indoor/outdoor sports and televised sports to be provided during core licensed hours. To amend Q5(d) outdoor drinking facility answer to "no". To amend wording in Q5 additional information box. To add new wording to Q6 (e) parts of the premises children and young persons are allowed access. To change premises description. To amend layout plan. To reduce on sales capacity to 106.  CC BSR Ox1 West End Community Council	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	480255	Dragonglass UK Holding Limited	Brodies LLP 58 Morrison Street, West End, Edinburgh, EH3 8BP	5-25 Grosvenor Street, Edinburgh, EH12 5EF	No	No	Yes	To add off sales from 11:00-22:00 daily. To amend Seasonal Variation wording in Q4. To amend wording in Q5 text box and Q5(f) text box (activities). To amend wording in Q6(e) (parts of the premises to which children and young persons will be allowed). To increase on sales capacity to 798. To amend layout plan. To amend premises description.  CC BSR Ox2 Palmerston Place Residents Association West End Community Council	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	484008	Aadya Forecourts Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	22 West Maitland Street, Edinburgh, EH12 5EA	No	Yes	No	To add wording in Q5 additional information box, "the premises may provide a delivery service to customers of all general convenience goods, including alcohol".  CC LSO	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	483373	Mitchells & Butlers Retail Ltd	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	435 Lawnmarket, Edinburgh, EH1 2NT	No	No	Yes	To amend 5(d) Outdoor drinking, state YES to outwith licensed hours and also remove the asterisk and undernoted statement that alcohol will not be sold within the area. To amend wording of 6(b) and 6(d) Children and Young persons terms and times of entry to premises. The layout plan has been amended to include the external area within the footprint.  CC Ox1 Old Town Community Council	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	485104	Mitchell & Butlers Retail Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	Sheeps Heid Inn, 43 The Causeway, Edinburgh, EH15 3QA	No	No	Yes	To amend Question 6(d) of the Operating Plan to read: "From the commencement of licensed hours until 22:00 hours."  CC LSO	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
7.	484475	Accor UK Economy Hotels Limited	Morton Fraser LLP 2 Lister Square, Edinburgh, EH3 9GL	6 Hunter Square, Edinburgh, EH1 1QW	Yes	No	No	1. To allow off sales (no display area) from 10:00 to 22:00. 2. To extend on sales core hours to 00:00. 3. To permit seasonal extensions. 4. To increase permitted activities to include Receptions, Club or Other Group Meetings and Live Performances. 5. To amend wording regarding access for Children.  CC LSO Ox1 Old Town Community Council	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
8.	484006	Star Pubs & Bars Ltd	Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby, DE1 3HQ	8 Southhouse Broadway, Edinburgh, EH17 8HG	No	No	Y	To amend on sales on Friday end time to 01:00, to amend on sales and off sales Sunday start time to 11:00. To amend Q5(a) permit conference facilities, restaurant facilities and bar meals outwith core hours. To amend Q5(b) permit receptions and club or other group meetings outwith core hours. To amend Q5(c) permit televised sport outwith core hours. Permit theatre and increase seasonal variations. To amend Q5(d) permit outdoor drinking facilities outwith core hours. To amend wording in Q5 additional information box. To amend Q6(c-e) permit children and young persons from birth to 17 years old, entry from opening until 10.00pm, allow access to all public parts of the premises. To remove reference to off sales capacity. To amend layout plan and supply amended fly sheet with additional information regarding layout plan. To remove reference to off sales capacity. To amend layout plan and supply amended fly sheet with additional information regarding layout plan.	
								CC LSO BSR	



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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
9.	484154	Fortuna Properties (Scotland) Ltd	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	9 Victoria Street, Edinburgh, EH1 2HE	Yes	No	No	To add off sales. To provide that Takeaways and Deliveries could include alcohol with food  CC LSO Ox1 Old Town Community Council	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
10.	485936	Select Service Partner Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	Edinburgh Airport, Jubilee Road, Edinburgh Airport, Edinburgh	No	No	Yes	To amend Q2, to amend the opening core hours to 5am, 7 days a week.  CC LSO	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	485332	Partnership of Aykut Gul, Reyhan Gul & Cemocan Gul	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	10 Jeffrey Street, Edinburgh, EH1 1DT	Yes	No	No	Cafe premises located on the ground floor of a building on Jeffrey Street, Edinburgh.  CC x2 LSO BSR	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	486641	Currie FB Ltd	Macdonald Licensing 21a Rutland Square, Edinburgh, EH1 2BB	164 Lanark Road West, Currie, EH14 5NY	No	Yes	No	Convenience store with Post Office located on the ground floor, with basement storage, within a building on Lanark Road West.  CC x2 LSO BSR	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
3.	487332	Lidl Great Britain Limited	Harper MacLeod LLP 45 Gordon Street, Glasgow, G1 3PE	3-5 Moray Park, Meadowbank, Edinburgh, EH7 5TS	No	Yes	No	<p>The premises will trade as a Lidl Supermarket within combined units 4/5 of the existing Meadowbank Retail Park. The Lidl premises will provide for sale together with general groceries: meat; poultry; dairy; fresh fruit and vegetables; and frozen and chilled goods, and other seasonal goods, household products and newspapers. The premises will offer a service to local and wider area.</p> <p>CC x2 LSO BSR</p>	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
4.	484054	May Apartments Limited	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	5 West Coates, Wester Coates, Edinburgh, EH12 5JG	No	No	Yes	Guesthouse/small Hotel located in detached property at the corner of West Coates and West Coates Road together with surrounding land.  CC x2 LSO BSR	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
5.	485901	UoE Accommodation Limited	Shepherd & Wedderburn 5th Floor, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL	7 Richmond Place, Newington, Edinburgh, EH8 9ST	No	No	Yes	The premises is a hotel over five floors.  CC x2 LSO BSR	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
6.	484005	Partnership of Isobelle Hamilton & Angel Pontone	Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB	90 Hanover Street, Edinburgh, EH2 1EL	No	No	Yes	Restaurant located 111 the lower ground floor of a building at the corner of Hanover Street and Thistle Street.  CC x2 LSO BSR	



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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	486276	MCL Recipe Ltd	Morton Fraser LLP 2 Lister Square, Edinburgh, EH3 9GL	51-53 Forrest Road, Old Town, Edinburgh, EH1 2QP	No	Yes	No	Asian Supermarket/Convenience Store located on Ground Floor at 51-53 Forrest Road with basement area for storage and staff facilities.  CC x2 LSO BSR	

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

**27 March 2023**

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
2.	484658	Select Service Partner Limited	Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ	Edinburgh Airport, Jubilee Road, Edinburgh Airport, Edinburgh	No	No	Yes	Airport Bar/Restaurant situated on the first floor Main Terminal at landside within Edinburgh Airport.  CC x2 LSO BSR	

**THE CITY OF EDINBURGH LICENSING  
BOARD**  
**LICENSING (SCOTLAND) ACT 2005**  
**PERSONAL LICENCE APPLICATIONS**  
**27 March 2023**

**Continued New Applications**

<b>No</b>	<b>Reference</b>	<b>Applicant</b>	<b>Agent Details</b>	<b>Comments</b>	<b>Decision</b>
1.	491452	Mr John Crozier		CC	
2.	491819	Mr Scott Carty		CC	

**OCCASIONAL LICENCE**  
**APPLICATIONS - REFERRALS**  
**27 March 2023**

No	Reference	Premises	Dates and times	Comments	Decision
1.	493351, 493352, 493353	Bus Shelter "West Princes Street Gardens", Princes Street, Edinburgh	10.03.2023 - 23.03.2023 24.03.2023-06.04.2023 07.04.2023- 20.04.202  11am- 10pm OFFSALES	Represented by Alistair Macdonald.  Macdonald Licensing  Conditions accepted	
2.	493431	14 Marshall Street, Edinburgh	01.04.2023 - 14.04.2023  Onsales: 12pm-1am; Offsales: 12pm-10pm	Represented by Alistair Macdonald.  Macdonald Licensing  Conditions accepted	
3.	492571	23-25 High Street, South Queensferry	01.04.2023 - 14.04.2023  Onsales: 11am-1am; Offsales: 10am-10pm	Represented by TLT  Conditions accepted	
4.	495430	Unit 62 Gyle Shopping Centre	08.04.2023 - 21.04.2023  10am-9pm off sale		
5.	494220	13 Crighton Place, Albion, Edinburgh	02.04.23 - 14.04.23		

## APPLICATIONS TO EXTEND PROVISIONAL PERIOD

### 1. Purpose

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

### 2. Main Report

- 2.1. In terms of section 45(6) of the Licensing (Scotland) Act 2005, a provisional premises licence is granted for a period of four years from the date of issue of the licence. If not confirmed before the end of the provisional period, the licence is revoked, by operation of the Act. Confirmation is obtained upon receipt by the Licensing Board of clear section 50 certificates (Planning, Building Standards and, where necessary, Food Hygiene).
- 2.2. In terms of section 45(7) of the Act, a provisional premises licence holder may apply to the Board before the end of the provisional period, requesting an extension by such further period as the Board considers appropriate.
- 2.3. In granting such an extension, the Board must be satisfied in terms of section 45(8) of the Act that (a) completion of the construction or conversion of the premises to which the licence relates has been delayed and (b) the delay has been caused by factors outwith the premises licence holders' control.
- 2.4. Details are provided below of premises where provisional premises licences are nearing expiry and where requests have been made to the Board for the provisional period to be extended in each case.

### 3. Recommendation

- 3.1 In the event 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 for each of the requests.

### 4. Background Papers

- 4.1 Extension request – 120 Dundas Street – previously extended on 27 May 2019 for 6 months, 25 November 2019 for 12 months, 26 November 2020 for 12 months, 29 November 2021 for 12 months and 31 October for 3 months – expiry date 30 April 2023
- 4.2 Extension request – 276 Canongate – first request – expiry date 30 April 2023
- 4.3 Extension request – 49 Forrest Road – previously extended on 25 January 2021 for 12 months, 29 November 2021 for 12 months and 31 October 2022 for 3 months – expiry date 30 April 2023

**Depute Clerk of the Licensing Board**

## REQUEST FOR EXTENSION OF PROVISIONAL PREMISES LICENCE – UNIT 3, 223 CANONGATE – CONSIDERATION OF SECTION 135

### 1. Purpose

- 1.1 To provide details of a request for extension of provisional premises licence;
- 1.2 To provide details of a request from the applicant for the use of section 135 of the Act in respect of the extension request.

### 2. Main Report

- 2.1. A request has been submitted for extension of a provisional premises licence for Unit 3, 223 Canongate. The licence holder is Bruce Taverns Limited. The licence commencement date is 25 June 2018. Section 45(6) of the 2005 Act confirms a provisional premises licence remains in place for a period of four years. Section 45(4) states that if a licence is not confirmed before the end of the provisional period then it is treated as revoked.
- 2.2. The request for extension of the provisional period was submitted by the licence holder's agent on 23 February 2023, almost eight months after the expiry of the provisional period as above. The licence holder's agent has asked the Board to consider the use of section 135 of the 2005 Act to enable the extension request to be considered, on the basis of "mistake, oversight or other excusable cause" in terms of section 135(1)(a) of the Act.
- 2.3. The agent has pointed out that when the provisional premises licence was issued in 2018, it erroneously detailed the agent as the holder of the licence rather than their client, Bruce Taverns Limited. While they do not appear to be founding upon this as a basis for the exercise of section 135, it is suggested to the Board in any event that such an error would not adversely affect the duration of the provisional period.
- 2.4. As matters currently stand, there is no provisional premises licence in place for the premises referred to: the licence has been revoked automatically by operation of section 50(4) of the 2005 Act. The Board may wish to note that arrangements can be made for fast-tracking of an application for a replacement licence, and the lack of a provisional premises licence would not prejudice applications being submitted for occasional licences in the meantime, although those applications would require to be considered on their merits.
- 2.5. As there is no specific provision in the Board's scheme of delegation nor its Policy Statement for the exercise of section 135, this matter is referred to the Board for consideration.

### 3. Recommendation

- 3.1 The Board is asked:-

REQUEST FOR EXTENSION OF PROVISIONAL PREMISES LICENCE – UNIT 3,  
223 CANONGATE – CONSIDERATION OF SECTION 135

- (a) To note the explanation provided about the provisional premises extension request;
- (b) To decide whether to use section 135 to permit the request to be received late and considered thereafter.

**4. Background Papers**

- 4.1 Email from agent setting out details of request, dated 23 February 2023

**Depute Clerk of the Licensing Board**

REQUEST FOR EXTENSION OF PROVISIONAL PREMISES LICENCE – UNIT 3,  
223 CANONGATE – CONSIDERATION OF SECTION 135

**Appendix 1**

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

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

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

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

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

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