

◆ EDINBURGH ◆

LICENSING BOARD

NOTICE OF MEETING

MONDAY 26th JUNE 2023

Start time: 9.30am

DEAN OF GUILD COURTROOM

AGENDA

NOTE: Items 1 and 2 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. Minutes of meeting of 29th May 2023 and matters arising
3. Premises Licence Review Hearing – 58 Lochend Road South
4. Applications – details as set out in separate list
5. Premises Licence Annual Fees 2022/23 – Review Hearing – Update

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>

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LICENSING BOARD

MINUTES OF MEETING

MONDAY 29th MAY 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 and 2 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

Statement of Licensing Policy - Consultation. The Convenor confirmed the three evidence sessions with consultees had been completed, and the Board was due to hold its meeting with the Licensing Forum on 2nd June. Separately arrangements were being made for a consultation session with young people, intended to be before the end of June. The Convenor advised a discussion paper would be prepared for circulation to members, once the initial consultation process had concluded.

Overprovision – the Convenor advised that data to enable the Board to carry out an overprovision assessment was almost ready for consideration. It was being checked for accuracy and would be circulated, for initial consideration by the Board at a lunchtime Q&A session. An open business discussion would follow thereafter.

Occasional referrals – the Convenor noted there were no referrals this month, to assist efforts to catch up with other applications business. She confirmed progress had been made in that regard. Referrals would be made to the Board's June agenda

Webcasting – noting webcasting of the business/policy section of Board agendas had been carried out for around a year, the Convenor suggested it may be time to expand and put more business into the webcast section. In order to assess potential concerns about the impact this might have on those attending Board meetings, the Convenor suggested reaching out to those who have attended over the last year to get their views and also those of agents and licence holders.

Board members discussed the potential impact of webcasting, and also discussed the use of Teams to ensure those who were unable to attend meetings in person could still do so remotely. The Board noted these matters would be discussed at the forthcoming meeting with the Forum.

2. Minutes of meeting of 24th April 2023 and 5th May 2023 and matters arising

The minutes and the decision list for applications considered at the meeting of 24th April 2023 were approved.

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LICENSING BOARD

The minutes for the additional meeting held on 5th May 2023 were also approved.

3. Applications – details as set out in separate list

The details of applications considered by the Board at the meeting on 29th May 2023 are set out in a separate decision list for approval and to be appended to these minutes.

4. Provisional Premises Licences – Extension Requests

The deputy clerk referred to requests made for extension of the provisional period for existing provisional licences. The Board agreed to extensions as follows:-

- 26-27 Melville Terrace – provisional licence extended to 24th September 2023
- 14-18 Lady Lawson Street – provisional licence extended to 24th December 2023
- 37 Leith Street – provisional licence extended to 30th November 2023

5. Premises Licence Reviews – (1) Woodhall Arms, 135-137 Lanark Road West; (2) The Mousetrap, 180 Leith Walk – Preliminary Hearings

The Board considered a written representation from the agent instructed by the licence holders for both premises.

In relation to the Woodhall Arms review application, the Board heard from the agent for the applicant and also from Sergeant Stephen. The Board agreed to schedule the review hearing for 31st July 2023.

In relation to the Mousetrap review application, the Board heard from Sergeant Stephen. The Board agreed to schedule the review hearing for 28th August 2023.

6. Premises Licence Annual Fees – Review Hearings – Update

The Board heard an update from Veronica Macmillan on premises where annual fees for 2022/23 remained unpaid. The Board noted the following premises were no longer being used for the sale of alcohol and agreed:-

- Piecebox, 2 Polwarth Crescent – licence revoked
- Premier Store, 60 Angle Park Terrace – licence holder deceased – licence ceases to have effect
- Brandshop, 11 Bankhead Broadway – licence revoked
- 27 Bernard Street – licence transferred, fees paid – no further action

PREMISES LICENCE REVIEW HEARING – BEST ONE, 58 LOCHEND ROAD SOUTH, EDINBURGH

1. Purpose

- 1.1 To advise the Board of the requirement to hold a hearing on a premises licence review application for the premises Best One, 58 Lochend Road South, Edinburgh.
- 1.2 To set out the options available to the Board, if it considers it necessary for the purposes of the licensing objectives, to take any action with the premises licence at the conclusion of the hearing.

2. Main Report

- 2.1. The grounds for review of a premises licence are:-
 - (a) that one or more of the licensing conditions has been breached;
 - (b) that having regard to the licensing objectives the premises licence holder is not a fit and proper person to hold the licence; or
 - (c) any other ground relevant to the licensing objectives:-
 - preventing crime and disorder,
 - securing public safety,
 - preventing public nuisance,
 - protecting and improving public health, and
 - protecting children and young persons from harm.
- 2.2. The Board may reject an application for review if it is considered that it is vexatious or frivolous, or that it fails to disclose matters relevant to the statutory grounds for review. The Board's Statement of Licensing Policy delegates this decision to the Convenor. The Convenor considered the application and agreed it should proceed to a review hearing.
- 2.3. The application has been submitted by Police Scotland. The premises licence holder is Mohammed Kashif Imran. A copy of the review application has been sent to him. The Council's LSOs were asked to prepare a report on the terms of the review application, to be forwarded to the licence holder and for the Board's consideration.
- 2.4. In carrying out the review hearing, the Board should first hear from the Police Scotland as the applicant for review, and then from the LSO representative. The Board would then hear from the licence holder or their agent in response. At the conclusion of the hearing if the Board is satisfied that it is necessary or appropriate for the purposes of any of the licensing objectives the Board can take any of the following steps:-
 - (a) issue a written warning;
 - (b) make a variation of the licence;
 - (c) suspend the licence for such period as the Board may determine;
 - (d) revoke the licence.

PREMISES LICENCE REVIEW HEARING – BEST ONE, 58 LOCHEND ROAD
SOUTH, EDINBURGH

3. Recommendation

3.1 The Board is required:-

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

4. Background Papers

- 4.1 Application for review of premises licence, dated 8 June 2023
- 4.2 LSO report – to be provided

Depute Clerk of the Licensing Board

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

26 June 2023

| No | Reference | Applicant | Agent Details | Premises | On Sale | Off Sale | On & Off Sale | Remarks | Decision |
|----|-----------|---------------------------------------|--|---|---------|----------|---------------|---|----------|
| 1. | 490620 | Edinburgh St James Hotel (GP) Limited | TLT Solicitors 9th Floor, 41 West Campbell Street, Glasgow, G2 6SE | 1 St James Square, New Town, Edinburgh, EH1 3AX | No | No | Yes | Hotel situated in St James Square, St James Quarter, Edinburgh. CCx2 LSO BSR Ox2 Mr Anthony Jack New Town and Broughton Community Council | |

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

26 June 2023

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|----|-----------|-------------------|---|--|---------|----------|---------------|--|----------|
| 2. | 488669 | Chorrito Sauce Co | Chorrito Sauce Co The Old School House, Ground Floor, Krowji, West Park, RedRuth, Cornwall, TR15 3AJ | 126 Leith Walk, Albion, Edinburgh, EH6 5DT | Yes | No | No | Chorrito Sauce Cantina is a Hot Sauce production kitchen and Cantina is a small Mexican inspired 12 seater cafe (4x table seat and 8 bar stool) that's provides hot and cold food breakfast / lunch / dinner for consumption on and off the premises, with a small alcohol offering for consumption on premises with food only. CC x2 LSO BSR | |

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

26 June 2023

| No | Reference | Applicant | Agent Details | Premises | On Sale | Off Sale | On & Off Sale | Remarks | Decision |
|----|-----------|--------------------------------|---|---|---------|----------|---------------|--|----------|
| 1. | 491021 | B.M.C. Social Club (Edinburgh) | B.M.C. Social Club (Edinburgh) 13 Westfield Street, Edinburgh, EH11 2QY | 13 Westfield Street, Edinburgh, EH11 2QY | No | No | Yes | To amend on and off sales opening times on Sunday to 10:00. To change Q6(c) the age of children and young persons to be 0-17 years for the purpose of private functions. To amend Q6(b) terms under which children and young persons will be allowed entry to state "Children allowed in both halls, to stay until end of the function, children to be accompanied by an adult at all times". CC LSO | |

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

26 June 2023

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|----|-----------|----------------------|--|--|---------|----------|---------------|--|----------|
| 2. | 493904 | Caledonian Heritable | Caledonian Heritable 4 Hope Street, New Town, Edinburgh, EH2 4DB | 24a-27 Greenside Place, Edinburgh, EH1 3AA | No | No | Yes | To amend Q6(d) times during which children and young pesons will be allowed entry to read from: 11:00-22:00. To amend Q6(e), to change the area children and young persons are allowed entry to all public areas of the venue but not within 1 metre of the bar servery as food is served in all public areas of the venue. LSO | |

THE CITY OF EDINBURGH LICENSING BOARD
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|----|-----------|----------------------------------|--|--|---------|----------|---------------|--|----------|
| 3. | 492370 | Sainsbury's Supermarkets Limited | TLT Solicitors 9th Floor, 41 West Campbell Street, Glasgow, G2 6SE | 9-10 Moray Park, Edinburgh, EH7 5TS | No | Yes | No | To increase the capacity to 344 linear metres. To amend the layout plan following an internal reconfiguration of the premises which has resulted in an increase in the capacity of the alcohol display area to 344 linear metres. CC LSO | |

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|----|-----------|------------------------------------|---|--|---------|----------|---------------|---|----------|
| 4. | 493700 | Edinburgh Consulting Group Limited | Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB | Unit 5, 130 Dundee Street, Edinburgh, EH11 1AF | Yes | No | No | To add Adult Entertainment as an Activity. To include additional information into Q5(f) stating: The Adult Entertainment will be occasional performances by The Dream Boys for instance, to an extent for which a Sexual Entertainment Licence is not required. CC LSO Repx1 Mechiston Community Council | |

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

26 June 2023

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|----|-----------|-------------------------------------|--|---|---------|----------|---------------|--|----------|
| 5. | 494506 | The Real Greek Food Company Limited | Hill Brown Licensing The Forsyth Building, 5 Renfield Street, Glasgow, G2 5EZ | Unit C4.22, 404-406 St James Crescent, New Town, Edinburgh, EH1 3AE | No | No | Yes | To amend Q5(g) of the operating plan to include live performances to be provided during core and outwith core licensed hours. CC LSO | |

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

26 June 2023

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|----|-----------|-------------------------|---|--|---------|----------|---------------|--|----------|
| 1. | 492924 | The Lady & The Bear Ltd | Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB | 1 Hope Park Terrace, Newington, Edinburgh, EH8 9LZ | No | No | Yes | Cafe located at a corner site with Hope Park Terrace and Hope Park Crescent CCx2 LSO BSR Ox1 Southside Community Council | |

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

26 June 2023

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|----|-----------|---------------------|---|---|---------|----------|---------------|--|----------|
| 2. | 492975 | Mr Mohamad Abdallah | Macdonald Licensing Bf, 21 Rutland Square, Edinburgh, EH1 2BB | 144 Portobello High Street, Edinburgh, EH15 1AH | No | Yes | No | Small convenience store/ newsagent located on the ground floor of a building on Portobello High Street, Edinburgh. CCx2 LSO BSR | |

THE CITY OF EDINBURGH LICENSING BOARD
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NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

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|----|-----------|-----------------------|---|--------------------------------------|---------|----------|---------------|--|----------|
| 3. | 494537 | Bruce Taverns Limited | Macgregor Thomson Solicitors Springfield House, Laurelhill Business Park, Stirling, FK7 9JQ | 223 Canongate, Edinburgh, EH8 8BJ | No | No | Yes | The premises is a retail unit within a purpose built new development. The property is located within a food and beverage retail development. CCx2 LSO BSR | |

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NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

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|----|-----------|-------------------------|---|--|---------|----------|---------------|--|----------|
| 4. | 494644 | NMS Enterprises Limited | TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL | Edinburgh Castle, 362 Castlehill, Edinburgh, EH1 2NG | No | Yes | No | Retail shop within the National War Museum located within Edinburgh Castle retailing gift items and products relating to the operation of the National War Museum. CC LSO BSR | |

THE CITY OF EDINBURGH LICENSING BOARD
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NOTICE OF APPLICATIONS - Provisional PREMISES LICENCE APPLICATIONS

26 June 2023

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|----|-----------|-------------------------|--|--|---------|----------|---------------|---|----------|
| 5. | 494648 | NMS Enterprises Limited | TLT Solicitors 9th Floor, 41 West Campbell Street, Glasgow, G2 6SE | National Museum Of Scotland, 44 Chambers Street, Edinburgh, EH1 1JF | No | Yes | No | Retail shop within the National Museum of Scotland retailing gift items and products relating to the operation of the National Museum of Scotland. CC LSO BSR | |