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From: [REDACTED]
Sent: 30 May 2021 19:39
To: Licensing Standards <Licensing.Standards@edinburgh.gov.uk>
Subject: Beer Garden in Communal Residential Area - Rear of Boteco Do Brazil 47 Lothian Street Edinburgh EH1 1HB

I am [REDACTED] for a property at the rear of 43 Lothian Street. I have been advised [REDACTED] that the communal residential outdoor area had been turned into an outdoor bar area with tents erected, lights put up and a considerable amount of noise.

I visited the garden on Saturday morning and was shocked to discover one large Tent and one large parasol and 8 picnic style table benches. There was also an outdoor bar and 3 possibly 4 braziers.

Following investigations I am absolutely astounded that an occasional Licence has been granted by the Council and that the pub actually has permission to serve drink in this area. (from 12noon -8pm each day) The area is a PRIVATE residential communal area used by the neighbours and their families as a garden. Imagine being out in your garden to discover 48 visitors, some smoking and also at times under the influence of alcohol.

I have the following concerns -

1. This is a private area which has been commandeered for commercial purposes without any advance notice to the neighbours at 43 Lothian Street and 7 and 9 Brighton Street.
2. The residents have been in lockdown for many months and had been enjoying the peace and tranquillity of their garden which they can no longer do. There are also residents trying to work from home and students in the one bedroom studio apartments at number 43 trying to study.
3. The noise is loud and disruptive. It is worse when the residents open their windows and they also have the smoke from staff and customers smoking to contend with.
4. I am concerned about the use of Braziers in an area where families with young children are around. The braziers are lit near trees, fabric and wood.
5. Customers when receiving or making calls wander away from the tables so they can hear into other parts of the garden. [REDACTED] we now find strangers wandering around.
6. Covid regulations state there should be a one way system in operation and clearly there is not. The tables too are close together.
7. Customers are allowed to bring dogs into the garden and it's just a matter of time before the dogs use the garden to do their business.

This situation is not acceptable and I am not happy and I would welcome your comments.

[REDACTED]

From: Pixie Williamson
Sent: 01 June 2021 23:07

To: [REDACTED]

Subject: RE: Beer Garden in Communal Residential Area - Rear of Boteco Do Brazil 47
Lothian Street Edinburgh EH1 1HB

Good evening,

Many thanks for getting in touch with your concerns.

I contacted and visited the premises yesterday to discuss the current situation and to discuss the complaints we received over the weekend. They have been back in touch with me today.

The premises advised that they have used the area in the past. Occasional licences were granted for the rear garden for the Festival and used by Assembly in the summer of 2014, 2015, 2016 and 2017. Following a check on the system, there were no complaints received about these and the operators presumed there would be no issues this year.

They would like me to pass on their apologies for any inconvenience this may have caused to their neighbours as this was not their intention. They thought they were doing the right thing and were trying to get their business back on track following the restrictions on hospitality over the last 14 months but they now understand how this has impacted their neighbours.

They have advised they are willing to work on and hope to rebuild the relationship with their neighbours. The premises have not operated the area since Sunday and as of tomorrow, they will be taking down the external area and will withdraw any future outstanding applications for this space.

For information, the premises did apply for an occasional licence (temporary licence) to sell alcohol within this space and the first application was granted from 25th May – 7th June 2021.

Occasional licence applications last for 14 days and are advertised online for 7 days from when the application is processed by the licensing department. During this time, the application is open for objections in writing to licensing@edinburgh.gov.uk. Further info on objecting can be viewed at the following link: [object-to-an-occasional-alcohol-licence-application](https://www.edinburgh.gov.uk/object-to-an-occasional-alcohol-licence-application) (edinburgh.gov.uk)

Objections can only be made to specific applications, however, late objections may still be considered by the Licensing Board at their discretion if there is good reason for the objection not being submitted within the 7 days it was advertised.

The notification system is a bit different for new licence applications and variations as these are for permanent premises and the premises are also required to display a site notice for 21 days in the vicinity of the premises and also neighbours within the defined area will also be sent a neighbour notification in the post.

I hope this information is satisfactory, however, if you have any further questions or concerns, please feel free to contact me.

Kind regards,
Pixie

Pixie Williamson | Licensing Standards Officer | Housing and Regulatory Services | Directorate of Place | City of Edinburgh Council | Waverley Court, 4 East Market Street | Edinburgh, EH8 8BG |