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On 17 May 2021, at 23:00, Pixie Williamson <Pixie.Williamson@edinburgh.gov.uk> wrote:

Hi [REDACTED],

Apologies, I should have also added to my previous email that if the noise is bad you can still contact us and we will do what we can and work with the premises to assist you.

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 |

From: [REDACTED]
Date: 28 May 2021 at 18:37:16 BST
To: Pixie Williamson <Pixie.Williamson@edinburgh.gov.uk>
Subject: Re: Botecco serving alcohol

Hi Pixie

I spoke with the manager of Botecco the other day as they were in the garden setting up tables and chairs. He said it was going to be a quiet study space and would not make noise. That is clearly not the case and I have already called him this evening as its essentially a beer garden with the associated noise which audible [REDACTED].

They have set up a bar in the garden.

I cannot believe the council have given permission for this.

There are so many bedrooms backing onto this garden and the front of the street is already noisy so it's really frustrating to have noise in the back of my flat too.

[REDACTED] we never had issues with all the many bars that have been there before Botecco (who really seem to have no regard for the fact this is a residential area).

I know some of the neighbours [REDACTED] have contacted the council to complain.

Did the council know they were planning on serving alcohol on our back garden when permission was granted?

Thank you

[REDACTED]

From: [REDACTED]
Sent: 28 May 2021 18:48
To: Licensing Standards <Licensing.Standards@edinburgh.gov.uk>
Subject: Fwd: Botecco serving alcohol

Begin forwarded message:

On 28 May 2021, at 22:28, Susan McDonald <Susan.McDonald@edinburgh.gov.uk> wrote:

[REDACTED] – evening

I have forwarded your email on again to Pixie. She is [REDACTED] best placed to answer your query. In the meantime I have visited the premises and spoken with the duty manager regarding concerns.

Kind regards

Sue McDonald

Licensing Standards Officer | Housing and Regulatory Services | Directorate of Place | City of Edinburgh Council
|

Email: susan.mcdonald@edinburgh.gov.uk

On 28 May 2021, at 23:22, [REDACTED] wrote:

Thank you for visiting and for emailing me.

I will wait to hear from Pixie next week and hopefully don't need to make contact again.

KR

[REDACTED]

From: [REDACTED]
Sent: 29 May 2021 17:21
To: Susan McDonald <Susan.McDonald@edinburgh.gov.uk>
Cc: Pixie Williamson <Pixie.Williamson@edinburgh.gov.uk>
Subject: Re: Botecco serving alcohol

Hello both

I just wanted to say that it is incredibly noisy. If this were a neighbour having a one off BBQ it would not be an issue but this noise all day every day is unbearable and that's with no windows open. It's

like having a beer garden outside your window when previously it was a very quiet secluded and private garden.

The noise [REDACTED] cannot continue like this for months to come.

I do appreciate businesses have had a hard time due to covid and people are desperate to get out drinking with friends but those of us living in flats with no outdoor space have also had a hard time and we don't need our homes filled with this sort of noise all day long.

[REDACTED] the noise at the front is to be expected but this is new and just not fair.

I have just called [REDACTED] about the noise and people roaming up and down the garden smoking as he had told me it would be quiet and have security monitoring the area. He said security are arriving soon and that they will be moving everyone at 7pm (he then said 730pm). But they aren't doing anything about the noise just now and security will not make it less of a nuisance [REDACTED] during the day [REDACTED].

Other neighbours are also unhappy about the noise.

Please can we talk about our options next week when you're back, Pixie?

Thank you

[REDACTED]

On Tue, 1 Jun 2021 at 23:09, Pixie Williamson <Pixie.Williamson@edinburgh.gov.uk> wrote:

Hi [REDACTED],

Apologies for the delay in response. I know you have also been talking to the premises but this is just an update from our side.

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 ([edinburgh.gov.uk](https://www.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 |

From: [REDACTED]
Sent: 03 June 2021 15:34
To: Pixie Williamson <Pixie.Williamson@edinburgh.gov.uk>
Subject: Re: Boteco serving alcohol

Dear Pixie

Thank you for emailing me and apologies for my delay responding.

I do have a few questions

- You wrote "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." Can you let me know when Boteco moved into the venue which used to be Negociants (who I am told were refused a licence to sell alcohol in the back garden)? I am confused by you mentioning Assembly as that was on the corner, where Paradise Palms is now. Did you mean Assembly as my understanding is that Paradise Palms do not have access to the garden. Also can you confirm what counts as a "complaint"? Would an email like mine

count as a complaint or do you only take views into account if sent in with a signature with reference to an actual licence number?

- I appreciate that occasional licences are temporary but surely Licensing realise when processing multiple applications at the same time for one venue that there is a risk of causing a lot of inconvenience. We are not talking about giving a venue a licence for a one-off event. Does the council expect the residents of Edinburgh to check the list of applications every week just in case?
- The last point is about your response when I contacted you to say there was a tent in our communal garden. Is there any reason you would not have signposted me to the Planning department within the council or perhaps contacted them yourself? I understand the Licensing team were fully aware that the problem for the bar was the lack of planning approval. Whether they had decided to withdraw their application or not, it seems highly unlikely that they would have been given permission to use communal residential land for commercial purposes. It concerns me that we are not the only residents to have encountered this problem and it is likely to happen again.

I have written to my MSP about this as perhaps Holyrood need to review and modernise some of these processes.

I do appreciate you coming back to me personally, each time I have emailed you, and look forward to hearing from you.

Kind regards

■

On 3 Jun 2021, at 16:43, Pixie Williamson <Pixie.Williamson@edinburgh.gov.uk> wrote:

Hi ■,

The premises have been operating as Boteco for at least the last 7 years according to our system. According to our records, the occasional licence applications for the previous years; 2014, 2015, 2016 and 2017 each of the application forms for these applications state 'garden to the rear'. Assembly is the festival company and have used Boteco as a Festival venue, and not a separate premises.

Your previous emails have been recorded as service requests and the nature of these are recorded on our system as either enquiries or complaints. Any contact regarding a premises is recorded on our system as a service request, and no service requests relating to Boteco rear garden were received in previous years that occasional licences had been granted for the area as far as I can see. If you would like more information on specific complaints for the premises, I suggest you submit a FOI request.

The notification process is outlined in regulations and legislation and is not something Licensing/ the Council can deviate from:

The Licensing (Procedure) (Scotland) Regulations 2007

Occasional licences

18.—(1) On the same day as a Board gives notice of an occasional licence application under section 57(1)(a) of the Act or as soon as reasonably practicable after that, it is to publish details of the application on its website.

(2) Details published under paragraph (1) are to remain on the website for a continuous period of 7 days.

(3) A Board may treat an objection or representation under section 58(1) of the Act as not made where it receives the relevant notice of objection or representation after the end of the period of 7 days referred to in paragraph (2).

Temporary structures do not require planning consent as far as I am aware so that is why I did not refer you to the Planning department. Also, I am not sure where the information below regarding Licensing being aware that there was a lack of planning approval has come from. This is not something I am aware of?

At the time you emailed about the marquee being constructed, I stated that if your concerns were over use of the land, that it would be a civil matter (a land dispute) and there is no place for us to get involved with land disputes. I directed you at this point to discuss this either directly with the premises or seek legal advice and also provided you with information on how to object to occasional licences.

I hope this answers your questions, as always, happy to discuss if you have any further queries.

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 |

From: [REDACTED]

Sent: 03 June 2021 17:16

To: Pixie Williamson <Pixie.Williamson@edinburgh.gov.uk>

Subject: Re: Boteco serving alcohol

Thank you Pixie for taking the time to send that detailed reply.

It is helpful to know about service requests and highlights why it's important we do not only contact the venue which is what many of us had done before.

I had forgotten that Assembly is the name of the festival company and the fact the former corner venue was called Assembly confused matters.

The FOI request would be something I might consider [REDACTED]

[REDACTED] and the important thing is Boteco have withdrawn their applications, said they won't apply again and [REDACTED] my flat is quiet again.

The planning thing came up in a conversation with the manager but perhaps a miscommunication. I was also advised by a planning lawyer who contacted me [REDACTED] that it would need planning as its changing from residential to commercial.

I do not think legal action will be required as Boteco want to improve their reputation. I have written to an MSP explaining what happened as maybe the occasional licence legislation was never intended for consecutive licences.

Appreciate you getting back to me.

[REDACTED]
