

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 20 May 2011

Present:- Councillors Lang (Vice-Convenor), Cairns, Henderson, McKay, Mowat and Perry.

1 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982

Details were provided of 19 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – list of applications, submitted.)

2 Chair

Councillor Lang was in the Chair for consideration of miscellaneous licence applications item numbers 3.2 to 3.7.

Councillor Cairns was appointed to the Chair for consideration of the remaining items of business.

3 House in Multiple Occupation Licence- CPM Management – Tenancy Management Procedures

On 3 December 2010, following consideration of an application for an HMO licence at 4 Haddington Place, the Sub-Committee repelled an objection and granted the application subject to the Council's standard conditions for this category of licence. In addition, the Sub-Committee requested the Director of

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Services for Communities to report on the managing agent's procedures for tenancy management.

The findings from the review of the tenancy management procedures of the managing agent, CPM Edinburgh, were detailed.

Decision

To note the report.

(References – Licensing Sub-Committee of the Regulatory Committee 3 December 2010 (item 8); report by the Director of Services for Communities, submitted.)

4 Civic Government (Scotland) 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – John Knox District No 5 Morning and Afternoon Parades, Saturday 25 June 2011

Details were provided of a proposed public parade.

Decision

To grant approval for the event subject to:

- 1) the conditions agreed by the Chief Constable; and
- 2) the organiser's agreement to adhere to the recommendations of the Events Planning and Operations Group.

(Reference – report by the Head of Legal and Administrative Services, submitted.)

5 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – Independent County Grand Orange Lodge Parade, Saturday 25 June 2011

Details were provided of a proposed public parade.

Decision

To grant approval for the event subject to:

- 1) the conditions agreed by the Chief Constable; and

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- 2) the organiser's agreement to adhere to the recommendations of the Events Planning Operations Group.

(Reference – report by the Head of Legal and Administrative Services, submitted.)

6 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – Apprentice Boys of Derry Procession, Saturday 28 May 2011

Details were provided of a proposed public procession.

Decision

To grant approval for the event subject to:

- 1) the conditions agreed by the Chief Constable; and
- 2) the organiser's agreement to adhere to the recommendations of the Events Planning Operations Group.

(Reference – report by the Head of Legal and Administrative Services, submitted.)

7 Cinemas Act 1985 – Request for Variation of Licensing Conditions – Edinburgh International Film Festival

A request had been received from the Edinburgh International Film Festival for authorisation to screen films uncertified by the British Board of Film Classification (BBFC).

Decision

To vary the Council's standard conditions of licence to allow screening of films without BBFC classification subject to the condition that films without BBFC classification be screened at indoor venues.

(Reference – report by the Acting Director of Corporate Services, submitted.)

8 Request for a Reduction of Fees – Public Entertainment Licence – Beltane Fire Festival

A request had been received from the organisers of the Beltane Fire Festival for a reduction of the application fee in respect of a Public Entertainment Licence for the 2011 Fire Festival.

Decision

To approve a reduction in the application fee to £1,000 for 2011 only for a Public Entertainment Licence submitted by the organisers of the Beltane Fire Festival.

(Reference – report by the Acting Director of Corporate Services, submitted.)

9 Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

10 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982

Details were provided of 13 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

Decision

To determine applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – list of applications, submitted.)

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APPENDIX

(As referred to in item 1 of the foregoing minute)

Applications for Miscellaneous Licences

| Item No | Applicant | Premises/ Location | Conditions applied for | Determination Date | Decision |
|---|-------------|-----------------------------|------------------------|--------------------|--|
| House in Multiple Occupation Licence | | | | | |
| 1 | Afzal Boksh | 378 (Flat 4) Easter Road | 3 Occupants | 04.09.11 | <p>To repel the objections and grant the application subject to:</p> <ol style="list-style-type: none"> 1) the Council's Standard Licensing Conditions for this category of licence and also that the licence shall not come into effect until a date agreed by the Council's Joint Inspection Team where there has been full compliance of the Council's Standards for Houses in Multiple Occupation; 2) the installation of carpets with good quality underlay throughout the property; 3) the applicant to confirm in writing that the site notice had been displayed; and |

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| Item No | Applicant | Premises/ Location | Conditions applied for | Determination Date | Decision |
|---------|--------------------|--------------------------------|------------------------|--------------------|---|
| | | | | | 4) the applicant to employ a managing agent to carry out the day to day management of the property and to provide details of the day-to-day management arrangements. |
| 2 | Elizabeth Fieldman | 26 (3F1) Harrison Gardens | 5 Occupants | 22.09.11 | To refuse the application in terms of Paragraphs 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982. |
| 3 | Elizabeth Fieldman | 51 (3F2) Morningside Road | 6 Occupants | 24.09.11 | To refuse the application in terms of Paragraph s 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982. |
| 4 | Elizabeth Fieldman | 98 (3F3) East Claremont Street | 5 Occupants | 23.09.11 | To refuse the application in terms of Paragraph s 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982 and non-compliance with the Council's Standards for Houses in Multiple Occupation. |

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| Item No | Applicant | Premises/ Location | Conditions applied for | Deter- mination Date | Decision |
|------------------------------------|--------------------|----------------------------------|--|----------------------------|--|
| 5 | Elizabeth Fieldman | 44 (3F2) Montpelier Park | 6 Occupants | 22.09.11 | 1) Continued to meeting on 17 June 2011 for a further report by the Joint Inspection Team on outstanding issues. 2) To invite the objector to submit a summary of his comments in writing. |
| 6 | Elizabeth Fieldman | 13 (3F1) Polwarth Crescent | 5 Occupants | 23.09.11 | To refuse the application in terms of Paragraph s 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982. |
| 7 | Elizabeth Fieldman | 11 (3F1) Hillside Street | 5 Occupants | 25.09.11 | To refuse the application in terms of Paragraph s 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982. |
| Late Hours Catering Licence | | | | | |
| 8 | Helen Manders | 44 Ferry Road Drive | Sun – Thurs 1200-0000 Fri – Sat 1200-0100 | 24.06.11 | To grant the application subject to 1) the Council's Standard Licensing Conditions for this category of licence; and 2) the applicant obtaining planning permission for the operation of the site. |

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| Item No | Applicant | Premises/ Location | Conditions applied for | Deter- mination Date | Decision |
|---|------------------------|--|---|----------------------|---|
| Street Trader Licence (Variation) | | | | | |
| 9 | Kevin Craig | Mobile Kiosks at Various Car Park and Rides within Edinburgh | Until 30 June 2012 | N/A | <p>1) To grant the application to vary the existing licence to allow mobile units at the operating sites.</p> <p>2) To note that it is a condition of the licence that the mobile units be removed at the end of trading hours.</p> <p>3) The applicant to liaise with Council officials and to obtain leases allowing him to trade at the sites.</p> |
| Street Trader Licence | | | | | |
| 10 | Cairnsouth Limited | Shandwick Place | Hot and Cold Food Sun – Thurs 2200-0200 Fri & Sat 2200-0300 | N/A | Continued to meeting on 17 June 2011 for clarification of issues related to food hygiene certification. |
| Second Hand Dealer Licence (Variation) | | | | | |
| 11 | Cheque Centres Limited | 681 Ferry Road | To add "Cash for Old Mobile Phone" services in store | 28.10.11 | Continued to the meeting on 17 June 2011 for Police report on the day to day manager of the premises. |

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| Item No | Applicant | Premises/ Location | Conditions applied for | Deter- mination Date | Decision |
|---|---|----------------------------------|---------------------------|----------------------------|--|
| Second Hand Dealer Licence | | | | | |
| 12 | Terncove Limited t/a We-Pay | 23 Leith Walk | Buying goods for cash | 17.08.11 | To grant the application subject to the Council's Standard Licensing Conditions for this category of licence and subject to receipt of details of the named day to day manager. |
| House in Multiple Occupation Licence | | | | | |
| 13 | Shastra Property & Develop- ment (Day to day Manager D J Alexander/ Agent HMO Scotland) | 7 Murieston Crescent Lane | 3 Occupants | 16.11.11 | To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence. |
| 14 | Croftmartin Limited (Dat to Day Manager Emma Fursman/ Agent Dunpark Limited) | 13 (2F1) Rochester Terrace | 4 Occupants | 21.09.11 | To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence. |

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| Item No | Applicant | Premises/ Location | Conditions applied for | Deter- mination Date | Decision |
|----------------|--|------------------------------|-------------------------------|-----------------------------|--|
| 15 | Kam Wai Yip (Day to Day Manager James Drynan per Edinburgh Property Management) | 25 (1F2) Marchmont Road | 3 Occupants | 26.01.12 | To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence and also that the licence shall not come into effect until a date agreed by the Council's Joint Inspection Team where there has been full compliance with the Council's Standards for Houses in Multiple Occupation. |
| 16 | Hugh Coulter (Day to Day Manager/ Agent Isobel Collier, Edinburgh University) | 35 (2F2) Spottiswoode Street | 4 Occupants | 30.01.12 | To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence and also subject to the installation of carpets with good quality underlay throughout the property. |
| 17 | Audrey Walters (Day to Day Manager/ Agent The Flat Company) | 31 (3F1) Arden Street | 4 Occupants | 31.01.12 | To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence. |

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| Item No | Applicant | Premises/ Location | Conditions applied for | Deter- mination Date | Decision |
|----------------|--|---------------------------------------|-------------------------------|-----------------------------|--|
| 18 | Sheila Margaret Dodds | 34 (1F1) Warrender Park Terrace | 3 Occupants | 09.02.12 | To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence. |
| 19 | Stephen Armstrong (Day to Day Manager Derek Gavine) | 25 (3F2) Marchmont Road | 4 Occupants | 07.02.12 | To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence and also that the licence shall not come into effect until a date agreed by the Council's Joint Inspection Team where there has been full compliance with the Council's Standards for Houses in Multiple Occupation. |