

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 19 August 2011

Present:- Councillors Munn (Convener), Lang (Vice-Convener), Cairns, Henderson, Kate MacKenzie, Mowat (from agenda item 4), Paisley (substituting for Councillor Mowat agenda items 1- 3.22), Perry and Snowden

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

Details were provided of 22 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

The Convener vacated the chair and the Vice-Convener assumed the chair for consideration of agenda items 3.21 and 3.22, miscellaneous applications.

3 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – Scottish Defence League – Saturday 10 September 2011

Details were provided of notification of a public procession in the city centre by the Scottish Defence League (SDL) to be held on Saturday 10 September 2011.

A number of objections to the procession had been received which highlighted concerns about impacts on public safety, public order, possible damage to property and disruption to the life of the community.

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Organisers of the SDL procession, the Chief Constable and the relevant Council Officers were heard.

Decision

To make an order to prohibit the holding of the procession by the Scottish Defence League on Saturday 10 September 2011 for the reasons that it would be detrimental to public safety and public order and may cause undue disruption of the life of the community.

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

4 House in Multiple Occupation Licence – Monitoring Report – 14 (2f1) Dublin Street

Details were provided of the results of the monitoring of the property at 14 (2f1) Dublin Street which included tenancy management, as requested by the Sub-Committee at its meeting on 5 November 2010

Decision

To note the report.

References – Licensing Sub-Committee of the Regulatory Committee 5 November 2010 (Item 1(5)); report by the Director of Services for Communities

5 House in Multiple Occupation Licence – Monitoring Report – 14 (3f1) and (3f2) Henderson Street

Details were provided of the results of a six month monitoring period of the property at 14 (3f1) and (3f2) Henderson Street which included tenancy management, as requested by the Sub-Committee at its meeting on 3 December 2010.

Decision

To note the report.

Reference – Licensing Sub-Committee of the Regulatory Committee 3 December 2010 (Item 1(30)); report by the Director of Services for Communities

6 HMO Licence – Remitted Appeal 2 Laichpark Place, Edinburgh

Details were provided of the outcome of an appeal against refusal of an HMO licence in respect of which the application for renewal of an HMO licence had been remitted to the committee by the Sheriff Court for consideration.

Decision

To repel the objections and grant the licence, subject to the Council's Standard Conditions for the category of licence.

Reference – report by the Acting Director of Corporate Services

7 Request for Reduction of Fees – Temporary Public Entertainment Licence – The Dundas Foundation

A request had been received from the Dundas Foundation for a reduction of the application fees charged for four public entertainment licence applications by a charity/voluntary organisation at Dalmeny Church.

Decision

To reduce the fee payable to £212 for all four licences and to refund the additional £212 already paid.

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

8 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.

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

Details were provided of 11 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

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Decision

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

(Reference – list of applications, submitted.)

Declaration of Interest

The Convener (Councillor Munn) declared a non-financial interest in agenda item B1.4 as he had been consulted by constituents on similar applications made by this applicant and took no part in consideration of this item.

9 Chair

The Convener vacated the Chair for consideration of agenda item B1.4 and Councillor Mowat was appointed to the Chair for this item.

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

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.1 - House In Multiple Occupation Licence - Clearwater Capital Limited - 72(2F2) Morningside Road	5 Occupants	11.12.11	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.2 - House In Multiple Occupation Licence - Majjo Homayoun-Valiani - 65 Montpelier Park	4 Occupants	16.02.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.3 - Street Trader Licence - Caroline Johnstone - Calder Road, Sighthill Industrial Estate	Hot and Cold Food	02.09.11	To refuse the licence in terms of paragraph 5 (3)(c)(i) of the Civic Government Scotland Act 1982.
Item 3.4 - Late Hours Catering Licence - Murat Avsar - 222 Morrison Street	Sunday to Thursday 0200-0300 Friday-Saturday 0300-0400 5 August 2011 - 5 September 2011	11.11.11	To refuse the licence in terms of paragraph 5 (3)(d) of the Civic Government Scotland Act 1982.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.5 - Public Entertainment Licence - Messers G Warrington and Sons - Red Ash Area, Princes Street Gardens	Victorian Carousel (1 Year)	10.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.
Item 3.6 - Street Trader Licence - James Stevens and Rene Smith T/A Cafe Renee - Mound Precinct	Hot and Cold Food (1 Year)	03.11.11	To continue to the meeting of the Licensing Sub-Committee of 16 September 2011 at the applicant's request.
Item 3.7 - Street Trader Licence - John Hunte - West Princes Street Gardens	Hot and Cold Food and Drinks (1 Year)	11.12.11	To continue to the meeting of the Licensing Sub-Committee of 16 September 2011 at the applicant's request.
Item 3.8(a) - Street Trader Licence - Jonathan Corrigan - West Side, Mound Precinct	Ice Cream, Soft Drinks and Confectionary (1 Year)	25.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.
Item 3.8(b) - Street Trader Licence - Leora Grahame - Playfair Steps	Jewellery (1 Year)	24.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.

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Item 3.8(c) - Street Trader Licence - Adam McIntosh - Playfair Steps	Jewellery (1 Year)	23.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.
Item 3.8(d) - Street Trader Licence - Elizabeth Hiller - Playfair Steps	Jewellery, Art and Craft (1 Year)	22.09.11	Continued to meeting of the licensing Sub-Committee of 16 September 2011 at the applicants request.
Item 3.8(e) - Street Trader Licence - Chandra Mather - Playfair Steps	Jewellery, Art and Craft (1 Year)	21.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.
Item 3.8(f) - Street Trader Licence - William Green - Playfair Steps	Art and Sunglasses (1 Year)	27.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.

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Item 3.8(g) - Street Trader Licence - Blair McNeil- Playfair Steps	Photograph and Jewellery (1 Year)	05.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.
Item 3.8(h) - Street Trader Licence - Gentleman Jacks - Frederick Street	Hot Food and Soft Drinks (1 Year)	28.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.
Item 3.8(i) - Street Trader Licence - Gentleman Jacks - Castle Street	Hot Food and Soft Drinks (1 Year)	28.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.
Item 3.8(j) - Street Trader Licence - Mark Calderwood- Foot of Castle Street, Princes Street	Flowers (1 Year)	27.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.

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Item 3.9 - Late Hours Catering Licence - Scottish Midland Co-oprative Society and Janice Docherty - 126 - 128 Marchmont Road	Sunday to Saturday 2300 – 0000	28.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.10 - Late Hours Catering Licence - Ahmet Kaya - Marmaris Food Centre, 33 - 35 Clerk Street	Sunday - Thursday 0000 – 0100 Friday – Saturday 0000 – 0200	23.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.11 - Late Hours Catering Licence - Shabbir Ahmed - Chilli Grill - 141A St John's Road	Sunday - Thursday 1100 – 0100 Friday – Saturday 1100 – 0200	10.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.12 - House In Multiple Occupation Licence - Robert Wild and Lorna Slade - 109 Causewayside	3 Occupants	19.05.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.13 - House In Multiple Occupation Licence - Michael Mann - 41 (2f1) Great King Street	10 Occupants	26.03.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.14 - House In Multiple Occupation Licence - Grant Residential Property - 25 (2f2) Rankeillor Street	5 Occupants	14.02.12	To continue to the meeting of the Licensing Sub-Committee of 16 September 2011 to allow the applicant to attend and the Director of City Development to inspect the plumbing systems in the properties of both the objector and the licence holder.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.15 - Second Hand Dealer Licence - Gordon Archibald T/A Waverley Cars - 70 Moira Terrace	Monday – Friday 0800 – 1800 Saturday 0900 – 1600	07.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence. To note that the planning objection had been withdrawn.
Item 3.16 - Street Trader Licence - Veronese Giancarlo - Corner of Rose Street and Hanover Street	Prints and Paintings	25.10.11	To continue for one month to the meeting of Wednesday 14 September 2011 to clarify details of any other licences granted for this stance.
Item 3.17 - Street Trader Licence - Veronese Giancarlo - South St Andrew Street at junction wit Princes Street	Prints and Paintings	15.09.11	To continue for one month to the meeting of Wednesday 14 September 2011 to clarify details of any other licences granted for this stance.
Item 3.18 - Street Trader Licence - Jonathan Duployen - In Front of Westsider, 2 Westside Plaza	Hot Food	07.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence. Hours of trading to be 08.00 am – 16.00 pm and the unit being removed at close of each trading day
Item 3.19 - Skin Piercing/Tattoo - Adriano Moraes Velleda - 19 Bread Street		26.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.20 - Street Trader Licence - Margarita Cifrian - Rose Street at corner of Hanover Street	Fashion Jewellery and Accessories	06.12.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and subject to the condition that the licence will not come into effect until agreed by Road Services.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.21 - House In Multiple Occupation Licence - Elizabeth Ferguson - 15 Panmure Place	4 Occupants	31.10.12	To continue to the meeting of the Licensing Sub-Committee of 16 September 2011 to allow the applicant to attend
Item 3.22 - Late Hours Catering Licence - McDonalds Resaurants Ltd - 3-5 Princes Street	24 hour festival trading	N/A	To vary the licence subject to the Council's Standard Conditions for this category of licence and the condition that SIA registered door stewards are employed Friday and Saturday from 11pm – 5am.