

## Committee Minutes

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# Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 18 November 2011

**Present:-** Councillors Munn (Convener), Lang (Vice-Convener), Cairns, Kate MacKenzie, Mowat and Snowden.

### 1 Second Hand Dealer's Exemption from 48 Hour Rule – Remitted Appeal – Arnold Clark Automobiles Limited, 20-23 Seafield Road, Edinburgh

An appeal had been lodged with the Sheriff Court against the decision of the Licensing Sub-Committee on 20 May 2011 to refuse to make an order granting an exemption Section 25(1) of the Civic Government (Scotland) Act 1982, providing that the 48 hour restriction on trading would not apply to stock in trade at the applicant's premises at 20-23 Seafield Road, Edinburgh. The Sheriff had remitted the application back to the Committee for reconsideration.

The applicant and his agent were heard.

#### Decision

To make an order granting an exemption from Section 25(1) of the Civic Government (Scotland) Act 1982 for a period of six months subject to the following conditions:-

All vehicles being purchased being subject to:-

- (i) An HPI check.
- (ii) A mileage check if required.
- (iii) V5 registration document to be checked.
- (iv) MOT document being checked against VOSA system.
- (v) Verification of the vehicle against all checks undertaken.
- (vi) The seller or purchaser of any goods covered by the licence to confirm their identity with two original proof of ID one of which must be photographic, eg driving licence or passport.
- (vii) All CCTV records being properly maintained and made available for inspection on request by the police or an officer of the Council.

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(References – Licensing Sub-Committee 20 May 2011 (item 10); report by the Director of Corporate Governance, submitted.)

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

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

**Decision**

To determine the applications as detailed in Appendix 1 to this minute.

(Reference – list of applications, submitted.)

**3 Chair**

The Convener vacated the Chair and the Vice-Convener assumed the Chair for consideration of agenda item 4.3, miscellaneous applications.

**4 House in Multiple Occupation Licence – Monitoring Report – 51 (3F1) Morningside Road, Edinburgh**

Details were provided of the results of a six months monitoring period for the property at 51 (3F1) Morningside Road as requested by the Sub-Committee at its meeting on 18 March 2011.

**Decision**

To note the contents of the report.

(References – Licensing Sub-Committee of the Regulatory Committee 18 March 2011 (minute item 1.14); report by the Director of Services for Communities, submitted.)

## **5 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.

## **6 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 (Agenda Item B1)**

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

### **Decision**

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

(Reference – list of applications, submitted.)

## **7 Public Entertainment Licence – Request for Suspension (Agenda Item B2)**

The Director of Corporate Governance provided details of a request received from the Chief Constable for suspension of a Public Entertainment Licence, on the grounds that the carrying on of the activity to which the licence related was causing or was likely to cause undue public nuisance or a threat to public order or public safety.

The Sub-Committee was invited to consider:-

- 1) whether or not to suspend the licence, and if so for how long; and
- 2) if the decision was for suspension, to determine whether or not it should be with immediate effect.

The licence holder, the tenant of the property and their legal agent were heard.

### **Decision**

To suspend the licence, with immediate effect, until expiry.

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

## **8 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 (Agenda Item B3)**

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

### **Decision**

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

(Reference – list of application, submitted.)

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**APPENDIX 1**

(As referred to in item 2 of the foregoing Minute)

**Applications for Miscellaneous Licences**

<b>Agenda Item No/Type of Licence Applicant/ Premises</b>	<b>Conditions applied for</b>	<b>Determination Date</b>	<b>Decision</b>
<p><b>Item 4.1</b> - Second Hand Dealers Licence Exemption - Arnold Clark Automobiles Limited - 38 Seafield Road</p>	<p>Second Hand Car Dealership</p> <p>Permission to sell good within 48 hours of acquisition.</p>	<p>N/A</p>	<p>To make an order granting an exemption from Section 25(1) of the Civic Government (Scotland) Act 1982 for a period of six months subject to the following conditions:-</p> <p>1) All vehicles being purchased being subject to the following:</p> <p>i) An HPI Check.</p> <p>ii) A mileage check if required.</p> <p>iii) V5 registration document to be checked.</p> <p>iv) MOT document being checked against VOSA system.</p> <p>v) Verification of the vehicle against all checks undertaken.</p> <p>vi) The seller or purchaser of any goods covered by the licence to confirm their identity with two original proof of ID one of which must be photographic, eg driving licence or passport.</p>

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			vii) All CCTV records being properly maintained and made available for inspection on request by the Police or officer of the Council.
<p><b>Item 4.2 - Second Hand Dealers Licence Variation - Game Group Limited - 11 Kinaird Park, 33 Gyle Centre, Unit 22 Cameron Toll, Unit 4 Ocean Terminal, 32 St James Centre, 127 Princes Street</b></p>	<p>Variations:</p> <p>1. To maintain computerised records in place of transaction book.</p> <p>2. To trade with persons under 16 years of age.</p>	N/A	<p>1) To grant the variation to allow the keeping of computerised records for a period of three months subject to:-</p> <p>(i) The serial numbers being recorded for all second-hand games consoles.</p> <p>(ii) Receipts for all transactions involving second-hand goods being available for inspection for a period of two years.</p> <p>(iii) All items for second-hand trade being kept in "quarantine" for 48 hours before being released for sale to the public.</p> <p>2) The Director of Services for Communities to report in three months on the suitability of the computer system to meet the requirements of the conditions of licence.</p> <p>3) To grant the variation to allow trading with persons under 16 years of age for a period of three months subject to that person being accompanied by an adult.</p>

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<b>Agenda Item No/Type of Licence Applicant/ Premises</b>	<b>Conditions applied for</b>	<b>Determination Date</b>	<b>Decision</b>
<b>Item 4.3</b> - Second Hand Dealers Licence Exemption - Game Group Limited - 11 Kinaird Park, 33 Gyle Centre, Unit 22 Cameron Toll, Unit 4 Ocean Terminal, 32 St James Centre, 127 Princes Street	Permission to sell good within 48 hours of acquisition.	N/A	To make an order granting an exemption from Section 25(1) of the Civic Government (Scotland) Act 1982 in relation to any item acquired by the applicants on a Saturday or Sunday subject to the condition that the applicant should not dispose of any such item until the expiry of 48 hours after acquiring it.
<b>Item 4.4</b> - House in Multiple Occupation Licence - Edinburgh Napier University - Block 7 West Bryson Road, Flats Nos 1 to 16 and Block 9 West Bryson Road, Flat Nos 1 to 19	N/A	18.12.11	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
<b>Item 4.5</b> - House in Multiple Occupation Licence - Edinburgh Napier University - Block 6 Morrison Circus, Flats Nos 1 to 12 and Block 7 Morrison Circus, Flat Nos 1 to 12	N/A	18.12.11	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
<b>Item 4.6</b> - Street Trader Licence - The Elephant Juice Company Limited - Middle Meadow Walk	0730 – 2300  (Food)	14.03.12	1) To note the applicant's intention to withdraw the application and lodge a new application for an alternative site agreed with Roads Services.  2) To transfer the fee for this application to the new application.

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<b>Agenda Item No/Type of Licence Applicant/ Premises</b>	<b>Conditions applied for</b>	<b>Determination Date</b>	<b>Decision</b>
<b>Item 4.7</b> - Street Trader Licence - Margaret Leadbetter - Waverley Bridge	0900 – 1800  (Prints and Paintings)	10.02.12	1) To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.  2) 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.
<b>Item 4.8</b> - Street Trader Licence - Callum O'Neill - St Mary's RC Cathedral, 61 York Place	Mon – Sun 0630 – 0100  Aug 1 – Sept 6 and during December 2011 and January 2012 - 0100 – 0300  (Food)	10.02.12	To delegate authority to grant the renewal of the licence to the Director of Corporate Governance on the applicant providing the appropriate food safety certificate in terms of s.39(4) of the Civic Government (Scotland) Act 1982, such grant to be subject to the standard licence conditions and subject to the hours of operation being Monday – Sunday 0630 - 0100
<b>Item 4.9</b> - Second Hand Dealer Licence - Edinburgh Motor Company Limited - 21 McDonald Place	Mon – Sat  0900 – 1800  (Used Cars)	08.01.12	To refuse the application in terms of Paragraph 5(3)(c)(i)(ii) and (iv) of Schedule 1 to the Civic Government (Scotland) Act 1982.
<b>Item 4.10</b> - Late Hours Catering Licence - Madras Cottage (Mohammed Vaseem) - 104 St John's Road	Sunday – Thursday 2300 – 0100  Fri – Sun  2300 – 0200	20.03.12	To repel the objections and grant the licence for the hours Sunday – Thursday 11 pm - 12 midnight and Friday – Saturday 11 pm – 1 am subject to the Council's Standard Conditions for this category of licence.



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<b>Item 4.11</b> - Late Hours Catering Licence - Antonio Andreucci (Tony's Fish Bar) - 52 Niddrie Mains Road	Sun – Sat 2300 – 0100	06.12.12	To repel the objections and grant the licence for the hours Sunday – Thursday 11 pm - 12 midnight and Friday – Saturday 11 pm – 1 am subject to the Council's Standard Conditions for this category of licence.
<b>Item 4.12</b> - House in Multiple Occupation Licence - Alan Mackie - 40(1F1) Madeira Street	3 Occupants	29.05.12	To continue the application to the meeting of 27 January 2012 at the request of the applicant.
<b>Item 4.13</b> - House in Multiple Occupation Licence - Dawn Breslin - 40 (1F1) George IV Bridge	6 Occupants	01.04.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
<b>Item 4.14</b> - House in Multiple Occupation Licence - L Kulasuriya - 9 (2F1) Montague Street	3 Occupants	12.03.12	To continue the application to the meeting of 16 December 2011 at the request of the applicant.