

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 20 April 2012

Present:- Councillors Munn (Convener), Lang (Vice-Convener), Cairns, Henderson, Mowat, Perry and Snowden.

1 Civic Government (Scotland) Act 1982 – Notification of Procession – Scottish Defence League – Saturday 26 May 2012

At its meeting on 9 March 2012, the committee continued consideration of notification of a public procession in the city centre by the Scottish Defence League to be held on Saturday 26 May 2012, to allow the SDL representative to liaise with police and relevant council officers regarding the procession route.

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

The committee were asked to consider the alternative routes suggested by the SDL for the procession.

The organiser 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 26 May 2012 for the reasons that it would be detrimental to public order and may cause undue disruption of the life of the community.

(References – Licensing Sub-Committee 9 March 2012 (item 2); report by the Director of Corporate Governance, submitted)

Dissent

Councillor Mowat requested her dissent to be recorded for the above decision.

2 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – Apprentice Boys of Derry – Saturday 26 May 2012

Details were provided of a proposed public procession by the Apprentice Boys of Derry to be held in Edinburgh.

The applicant's representatives were heard.

Decision

To make an order to allow the Apprentice Boys of Derry Procession on Saturday 26 May 2012 for the route specified in the Notice of Proposal, subject to the conditions agreed by the Chief Constable and the organiser's agreement to adhere to the recommendations of the Events Planning and Operations Group.

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

3 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – James Connolly Parade – Saturday 9 June 2012

Details were provided of a proposed public procession to be held in Edinburgh.

Decision

To make an order to allow the James Connolly Parade on Saturday 9 June 2012 for the amended route agreed with the council, and also subject to the conditions agreed by the Chief Constable and the organiser's agreement to adhere to the recommendations of the Events Planning and Operations Group.

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

4 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – John Knox District No5 Morning and Afternoon Parades – Saturday 30 June 2012

Details were provided of a proposed public procession to be held in Edinburgh.

The applicant's representatives were heard.

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Decision

To make an order to allow the John Knox District No 5 Morning and Afternoon Parades on Saturday 30 June 2012 for the route specified in the Notice of Proposal, subject to the conditions agreed by the Chief Constable and the organiser's agreement to adhere to the recommendations of the Events Planning and Operations Group.

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

5 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 17 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

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

Chair

The Convener (Councillor Munn) vacated the chair and the Vice-Convener (Councillor Lang) assumed to the chair for agenda items 7.8 to 7.14.

(Reference – list of applications, submitted.)

6 Request for 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 2012 Fire Festival.

Decision

To grant a reduced application fee of £1000 for the temporary Public Entertainment licence.

(Reference – report by the Director of Services for Communities, circulated)

7 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.

8 Taxi Driver's Licence – Suspension

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in terms of Standing Order 63 to suspend a taxi driver's licence under paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 on 3 April 2012.

The Director advised of a request from the Chief Constable to continue the suspension of the licence

The licence holder was not present.

Decision

1. To note the action of the Director of Services for Communities in consultation with the Convener of the Regulatory Committee to suspend a taxi driver's licence under Standing Order 63.
2. To suspend the licence with immediate effect, until expiry.

(Reference – report by the Director of Services for Communities, submitted)

9 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 7 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

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.)

10 HMO Licensing – Application for Renewal - Appeal

The committee refused an application to renew an HMO licence at its meeting on 16 September 2011 in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant appealed to the sheriff court against the committee's decision and the court agreed it would be appropriate to remit the application for consideration as new.

The Director of Services for Communities provided details of a complaint by the Chief Constable against the holder of the licence advising that they were no longer a fit and proper person to hold such a licence. The sub-committee was invited to consider whether or not to renew the licence.

The licence holder's representative was heard.

Decision

To grant the renewal of licence subject to

1. The Council's Standard Conditions for this category of licence.
2. Subject also to two additional conditions that:
 - (i) A managing agent be appointed and in place while the property is tenanted and for the duration of the licence.
 - (ii) The licence holder is prohibited from entering the property whilst tenanted unless the managing agent is present.
3. Confirmation from the Council's Joint Inspection Team that there has been full compliance with the Council's Standards for Houses in Multiple Occupation.

(References- Licensing Sub-Committee 16 September 2011 (item 4); report by the Director of Services for Communities, submitted.)

11 Valedictory

The Convener (Councillor Munn) advised that this would be last meeting of Licensing Sub-Committee before the Local Government Elections in May 2012 and thanked the members and officers for their hard work and commitment.

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APPENDIX 1

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 7.1 - Application for House in Multiple Occupation Licence - 16 (2F1) Warrender Park Crescent - Fergus R G Craig	3 Occupants	To refuse the licence in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item 7.2 - Application for House in Multiple Occupation Licence - 26 (3F2) Dundas Street - Crawford George Gordon	4 Occupants	To repel the objections and grant the renewal subject to the Council's Standard Conditions for this category of licence
Item 7.3 - Application for Street Trader Licence - Straiton Park off Straiton Place or Brunstane Road North - Nicola Ann Dockerty	Mon – Sun 12 Noon – 8.00 pm Ice Cream, Soft Drinks, Table Water, Confectionary	To grant the licence for the stance at Brunstane Road North subject to the Council's Standard Conditions for this category of licence
Item 7.4 - Application for Street Trader Licence - Public Road Opposite TNT Express, 171 Turnhouse Road - Viking Bites Limited	Mon – Sun 0600 – 1400	To continue consideration of the matter to the meeting of the 22 June 2012 to allow the applicant to attend.
Item 7.5 - Application for Market Operator Licence - Lister Square, Quartermile - Gladedale Ventures Limited	20 Stalls	1. To continue consideration of the matter to the meeting of the 22 June 2012 for outstanding building standards/public safety issues to be resolved. 2. Should these outstanding issues be resolved, prior to the next meeting, to authorise the Director of Services for Communities to grant the licence subject to standard licensing conditions for this type of licence.

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Agenda Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 7.6 - Application for Market Operator Licence - Castle Street - Hand Up Media	1 Year 1000 – 1900 hrs	To note the application had been withdrawn
Item 7.7 - Application for Temporary Theatre Licence - 1 Summerhall Square - Peter James Searle	0900 – 0300 hrs 19.03.2012 to 30.04.2012	To grant the licence subject to the Council's Standard Conditions for this category of licence and the hours of operation be 11.00 am to 1.00 am
Item 7.8 - Application for House in Multiple Occupation Licence - 21 (4F1) Warrender Park Terrace - David Burgess	5 Occupants	<ol style="list-style-type: none"> 1. To repel the objections. 2. To authorise the Director of Services for Communities to grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also subject to confirmation by the Council's Joint Inspection Team that there has been full compliance with the Council's Standards for Houses in Multiple Occupation, including the submission of gas and fire certificates and satisfactory sound checks. 3. Carpets and good quality underlay to be fitted throughout the property should the Director of SFC deem this to be required following the sound test.
Item 7.9 - Application for House in Multiple Occupation Licence - 3 (3F1) Lonsdale Terrace - Archie Sanders	4 Occupants	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 7.10 - Application for House in Multiple Occupation Licence - 8 (3F3) Montpelier - Grant Property Solutions	3 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.

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Agenda Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 7.11 - Application for House in Multiple Occupation Licence - 128 (4F3) Viewforth - Hugh Sandison	3 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence
Item 7.12 - Application for House in Multiple Occupation Licence - 106 (2F1) Gilmore Place - James Ewen	4 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item 7.13 - Application for House in Multiple Occupation Licence - 4 (4F1) Brougham Place - Joseph Roulston	4 Occupants	<p>1. To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.</p> <p>2. Details of the managing agent to be supplied to the licensing section and all other properties in the tenement within 1 month.</p>
Item 7.14 - Application for House in Multiple Occupation Licence - 5 (3F1) Viewforth Square - Monica Campbell	3 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item 7.15 - Application for House in Multiple Occupation Licence - 34 (4F3) Home Street - Emilio Ayllon	6 Occupants	<p>1. To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also subject to confirmation by the Council's Joint Inspection Team that there has been full compliance with the Council's Standards for Houses in Multiple Occupation.</p> <p>2. An inspection of the deafening to be carried out.</p>
Item 7.16 - Application for House in Multiple Occupation Licence - 2 Glengyle Terrace - Patricia Gerard	3 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also subject to confirmation by the Council's Joint Inspection Team that there has been full compliance with the Council's Standards for Houses in Multiple Occupation.

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Item 7.17 - Application for Late Hours Catering Licence Variation - 18 - 20 west Port - Sami Mohammed Sultan	Increase the Operating Hours Sun – Thursday 2300 – 0200 (presently 0100) Fri – Sat 2300 – 0300 (presently 0200)	To grant the variation for the hours requested and the hours to be reviewed at the renewal of the licence.