

Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 6 September 2013

Present

Councillor Barrie (Convener), Blacklock (Vice Convener), Aitken, Burgess, Cairns, Gardner, Bill Henderson, Heslop and Redpath.

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

Details were provided of 14 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

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

(Reference – list of applications, submitted.)

2. Application for Temporary Market Operator's Licence

The convener ruled the following item, notice of which had been given at the beginning of the meeting, be considered as a matter of urgency in order that it be considered timeously.

Details were provided of an application for a temporary market operator's licence in Castle Street for 12 – 15 September 2013 by the Market Square Group.

Decision

1. To grant the licence subject to the Council's standard conditions for this category of licence, also subject to a condition on amplified music.
2. An operation plan to be prepared by the appropriate Council Directorates for the use of this site for markets, to be submitted to the Regulatory Committee.
3. Any future applications submitted, to be considered by the Licensing Committee until an operating plan had been agreed.

(Reference: report by the Head of Service, Community Safety, submitted)

3. Application for Temporary Market Operator's Licence

The convener ruled the following item, notice of which had been given at the beginning of the meeting, be considered as a matter of urgency in order that it be considered timeously.

Details were provided of an application for a temporary market operator's licence in Castle Street for 19 – 29 September 2013 by Continental Markets Ltd.

The applicant and an objector were heard.

Decision

1. To grant the licence subject to the Council's standard conditions for this category of licence, also subject to a condition on amplified music.
2. An operation plan to be prepared by the appropriate Council Directorates for the use of this site for markets, to be submitted to the Regulatory Committee.
3. Any future applications submitted, to be considered by the Licensing Committee until an operating plan had been agreed.

(Reference: report by the Head of Service, Community Safety, submitted)

4. 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.

5. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 15 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 – application details, submitted.)

APPENDIX

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
<u>Item 6.1.1 - Application for House In Multiple Occupation Licence - Derek Jamieson - 6 Wolseley Crescent</u>	5 Occupants amended to 4 Occupants	To repel the objections and grant the licence for 4 Occupants subject to the Council's Standard Conditions for this category of licence.
<u>Item 6.1.2 - Application for House In Multiple Occupation Licence - Aileen N Cuthbertson - 40 - (4f2) Learmonth Crescent</u>	3 Occupants	To continue consideration of the matter for 2 months to allow the on going works to alleviate the concerns raised by the objector to be completed to a satisfactory standard.
Item 6.1.3 – Application for Street Trader Licence - Owen O’Leary The Royal Mile, The Mound, Outside George Square Gardens, Pleasance, George Street, Princes Street, St Andrew Square Gardens, Castle Street, Grassmarket and Cowgate	N/A	To refuse the application in terms of Paragraph 5(3)(c)(i) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982. NOTE: <i>THE Sub-Committee were of the opinion that the locations requested were inappropriate and were contrary to the Council’s adopted policy on street trading.</i>

<u>Item 6.1.4 - Application for a Public Entertainment Licence - Scottish Love Action and Colin Mcrae - Myreside Stadium Myreside Road</u>	3.11.2013	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
<u>Item 6.1.5 - Application for a Late Hours Catering Licence - DPGSD Ltd TA Dominos Pizza and Charanjit Singh - 101 Nicolson Street</u>	23.00 – 05.00 hrs	To continue the matter to the Licensing Sub Committee on 11 October to allow all of the applications submitted by the applicant for various premises to be considered together.
<u>Item 6.1.6 - Application for a Late Hours Catering Licence - MBCC Foods Ltd and Anna MacKintosh - 7 South St Andrew Street</u>	Sun – Thur 2300 – 0200 Fri – Sat 2300 -0300	To grant the licence subject to the Council's Standard Conditions for this category of licence and also subject to the additional condition in respect of door stewards recommended by the Chief Constable.
<u>Item 6.1.7 - Application for a Late Hours Catering Licence - Raheela Javaid TA Festival Stores - 70-72 Grassmarket</u>	23.00 - 0300	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
<u>Item 6.1.8 - Application for a Second Hand Dealer Licence - Ariadne Xenou - Bodkin and Farrish 93 Causewayside</u>	N/A	To grant the licence subject to the Council's Standard Conditions for this category of licence also to the conditions recommended by the Chief Constable.
<u>Item 6.1.9 - Application for a Skin Piercing and Tattooing Fixed Premises Licence- 30A (Flat 5) Shandwick Place</u>	N/A	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
<u>Item 6.1.10 - Application for a Metal Dealers Licence - Instant Cash Loans Ltd and Simon Rice - 11 Leith Walk</u>	N/A	To grant the licence subject to the Council's Standard Conditions for this category of licence also to the conditions recommended by the Chief Constable.

<p><u>Item 6.1.11 - Application for a Metal Dealers Licence - Instant Cash Loans Ltd and Simon Rice - 130 Lothian Road</u></p>	<p>N/A</p>	<p>To grant the licence subject to the Council's Standard Conditions for this category of licence also to the conditions recommended by the Chief Constable.</p>
<p><u>Item 6.1.12 - Application for a Second Hand Dealer Licence - Hammed Afza Rathore - 217 Gorgie Road</u></p>	<p>N/A</p>	<p>To continue consideration of the matter to the meeting of the Licensing Sub-Committee on 11 October 2013 to allow the applicant to attend.</p>
<p><u>Item 6.1.13 - Application for a Market Operators 50 or Less Stalls Licence - Queensferry Ambition Ltd and Diane Brown- High Street South Queensferry</u></p>	<p>N/A</p>	<p>To repel the objections and grant the licence for one market per calendar month subject to</p> <ol style="list-style-type: none"> 1. the Council's Standard Conditions for this category of licence. 2. Additional conditions that <ol style="list-style-type: none"> (i) There are no more than 12 stalls (ii) 21 days notice is given to the Director of Services for Communities for approval of the date of any proposed market to avoid any potential clashes with other events 3. To note the applicants agreement to participate in a debriefing meeting with council officers after the first market has taken place <p style="text-align: center;">(On a division)</p> <p style="text-align: center;">SEE NOTE BELOW</p>

<p><u>Item 6.1.14 - Application for a Street Trader Food with Employee Licence - Edward Joyal - Craigentenny Avenue North</u></p>		<p>To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.</p>
<p>Tabled Item –TemporaryMarket operators Licence –Castle Street - Market Square Group & Paul Kennedy. Castle Street</p>	<p>12 – 15 Sept 2013</p>	<ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence also subject to a condition on amplified music 2. An operation plan to be prepared by the appropriate Council Directorates for the use of this site for markets to be submitted to the Regulatory Committee 3. Any future applications submitted to be considered by the Licensing Sub-Committee until an operating plan had been agreed
<p>Tabled Item – Temporary Market operators Licence – Castle Street - Continental Market Ltd & Ali Yaich Castle Street</p>	<p>19 – 29 Sept 2013</p>	<ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence also subject to a condition on amplified music 2. An operation plan to be prepared by the appropriate Council Directorates for the use of this site for markets to be submitted to the Regulatory Committee 3. Any future applications submitted to be considered by the Licensing Sub-Committee until an operating plan had been agreed

Note: Agenda Item 6.1.13

Motion

To repel the objections and grant the licence for one market per calendar month subject to:

1. The Council's standard conditions for this category of licence and a condition controlling amplified music and vocals.

2. Additional conditions that
 - (i) There are no more than 12 stalls
 - (ii) 21 days notice is given to the Director of Services for Communities for approval of the date of any proposed market to avoid any potential clashes with other events.
3. to note the applicant's agreement to participate in a debriefing meeting with council officers after the first market has taken place.

Moved by Councillor Heslop, Seconded by Councillor Aitken

Amendment

To refuse the application in terms of paragraph 5(3)(c)(v) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds of public safety as the position of the stalls would require pedestrians to walk in the roadway.

- Moved by Councillor Cairns, Seconded by Councillor Blacklock.

Voting

For the Motion 7 Votes

For the Amendment 2 votes

Decision

To repel the objections and grant the licence for one market per calendar month subject to:

1. The Council's standard conditions for this category of licence and a condition controlling amplified music and vocals.
2. Additional conditions that
 - (i) There are no more than 12 stalls
 - (ii) 21 days notice is given to the Director of Services for Communities for approval of the date of any proposed market to avoid any potential clashes with other events.
3. To note the applicant's agreement to participate in a debriefing meeting with council officers after the first market has taken place.