

Notice of meeting and agenda

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Monday, 9 June 2014

Mandela Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

Contact

E-mail: stephen.broughton@edinburgh.gov.uk

Tel: 0131 529 4261

1. Order of business

The Clerk to the meeting will advise the members of any changes to the business to be considered, or of any urgent matters that require consideration at this meeting.

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Parades and Processions

These are notifications from organisers of parades or processions that are either of a contentious nature or because representations have been received that cannot be resolved through negotiation.

- 3.1 John Knox Parade - report by the Head of Service – Community Safety (to follow).

4. Requests for Fee Reductions

These are requests from licence holders to the Council to either return all or part of the application fee paid or for an organisation asking for the fee to be reduced or waived.

- 4.1 Request for Reduction of Fees: Public Entertainment Licence – Forth Bridges Festival - report by the Head of Service – Community Safety (to follow).

5. Requests for Variation of Licence

These are requests from licence holders to the Council to amend the conditions attached to their licence.

- 5.1 Cinemas Act 1985 – Variation of Licensing Conditions – Edinburgh International Film Festival 2014 – Supplementary Request - report by the Head of Service – Community Safety (circulated).
- 5.2 Civic Government (Scotland) Act 1982 – Variation of Licensing Conditions – Public Entertainment Licence – Royal Highland Agricultural Society for Scotland and DJ Hardwell - 4 July 2014 - report by the Head of Service – Community Safety (circulated).

6. Miscellaneous applications

These are the applications for various types of licence that have received either representations from members of the public, Council Service Areas or another agency e.g. Police Scotland

- 6.1 Street Trader Non Food with Employee Licence – Geeks Guide To Scotland and Miki Inamura – Corner of Waverley Bridge and Princes Street – application and report by Roads Services (circulated).

7. Routine Decisions

These are reports on applications or requests that have been dealt with by the Director of Services for Communities as a decision had to be made prior to the next available meeting of the Licensing Sub-Committee.

- 7.1 None.

Carol Campbell

Head of Legal, Risk and Compliance

Committee Members

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

Information about the Licensing Sub-Committee

The Licensing Sub-Committee consists of 9 Councillors and usually meets twice a month.

The Licensing Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton, Committee Services, Legal, Risk & Compliance, Corporate Governance Directorate, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street Edinburgh, EH8 8BG; ☎ 0131 529 4261, e-mail stephen.broughton@edinburgh.gov.uk

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh. The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

The views expressed in any letters of representation are not necessarily the views of the City of Edinburgh Council.

For remaining items of business likely to be considered in private, see separate agenda.

Licensing Sub-Committee of the Regulatory Committee

2.00pm, Monday, 9 June 2014

Cinemas Act 1985 – Variation of Licensing Conditions – Edinburgh International Film Festival 2014 – Supplementary Request

Item number	5.1
Report number	
Executive/routine	
Wards	Citywide

Executive summary

To advise the Committee of a request received for authorisation to screen a further uncertificated film during the Edinburgh International Film Festival 2014.

Links

Coalition pledges	P15, P28 and P31
Council outcomes	CO20
Single Outcome Agreement	SO1 and SO3

Cinemas Act 1985 – Variation of Licensing Conditions – Edinburgh International Film Festival 2014 – Supplementary Request

Recommendations

That the Committee:

- 1.1 Notes this report; and
- 1.2 Grants permission to allow the uncertificated film, detailed in the information as circulated, to be shown as part of the 2014 event at the venues listed in [Appendix 2](#).

Background

- 2.1 Condition 2 of the Council's standard conditions, which apply to all cinema licences, states that only films with certificates from the British Board of Film Classification (BBFC) may be exhibited.
- 2.2 However, Condition 3 of the cinema licence conditions allows the exhibition of any film, if the Council's permission is first obtained.
- 2.3 Committee has given approval for the Edinburgh International Film Festival Ltd (EIFF) to show uncertificated films in 2014 and in previous years.

Main report

- 3.1 In March 2014 the Council received notice from the Edinburgh International Film Festival Ltd (EIFF), regarding films due to be screened during the 2014 event.
- 3.2 Typically most of these films are yet to be released and therefore have still to be classified by the BBFC. Therefore, as required by the Council's Standard Conditions of Licence, the EIFF is seeking permission on behalf of the various cinemas for the films within the programme to be shown. The committee has previously agreed to similar variations.
- 3.3 The EIFF provided details including recommended ratings for films which have not been rated by the BBFC. The programme has yet to be announced, and the information is commercially sensitive.

- 3.4 The EIFF has subsequently added a further unrated film to the planned screening schedule. This film will be distributed in the UK during summer 2014, and may be rated before the planned screening date. However it is at present unrated. Details of the film will be circulated separately.
- 3.5 Committee members should note that any permitted variation would relate only to the specific film tabled and circulated to members, for the purposes of screening during the EIFF (19 to 28 June 2014). Any films not so specified would be required to adhere to the Council's Standard Conditions of Licence.
- 3.6 This permission will apply as appropriate to the licensed premises listed in [Appendix 2](#).

Measures of success

- 4.1 The Council discharges its licensing functions appropriately.

Financial impact

- 5.1 There are no financial implications arising from this report.

Risk, policy, compliance and governance impact

- 6.1 This accords with statutory provisions and is consistent with standard conditions for cinema licences.

Equalities impact

- 7.1 There are no equalities implications arising from this report.

Sustainability impact

- 8.1 There are no sustainability implications arising from this report.

Consultation and engagement

- 9.1 Not applicable.

Background reading / external references

[City of Edinburgh Council Licensing Conditions – Cinema Licensing](#)

Minutes of Licensing Sub-Committee meeting of 23 May 2014.

Susan Mooney

Head of Service

Contact: Andrew Mitchell, Community Safety Manager

E-mail andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

Links

Coalition pledges	<p>P15 - Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors.</p> <p>P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city</p> <p>P31 – Maintain our city’s reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure.</p>
Council outcomes	<p>CO20 - Culture, sport and major events – Edinburgh continues to be a leading cultural city where culture and sport play a central part in the lives and futures of citizens.</p>
Single Outcome Agreement	<p>SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all.</p> <p>SO3 - Edinburgh's children and young people enjoy their childhood and fulfil their potential.</p>
Appendices	<p>Appendix 1 - City of Edinburgh Council Licensing Conditions – Cinema Licence</p> <p>Appendix 2 – list of affected licensed premises</p>

Licensing Sub-Committee of the Regulatory Committee

1000, Friday, 9 June 2014

Royal Highland Agricultural Society for Scotland and DJ Hardwell

Item number	5.2
Report number	
Executive/routine	
Wards	Ward 1 - Almond

Executive summary

To refer to Committee a variation application for a Public Entertainment Licence to hold the DJ Hardwell Concert on 4 July at Ingliston.

Links

Coalition pledges	N/A
Council outcomes	N/A
Single Outcome Agreement	N/A

Royal Highland Agricultural Society for Scotland and DJ Hardwell

Recommendations

- 1.1 That the Committee grants the licence variation subject to the additional conditions, detailed in [Appendix 1](#).

Background

- 2.1 On 7 March the Committee noted a decision taken to suspend with immediate effect the Public Entertainment Licence (PEL) granted to the Royal Highland and Agricultural Society of Scotland (RHASS), trading as Highland Centre Ltd ([Appendix 2](#)). The suspension was put in place to prevent a performance by DJ Hardwell on 8 February 2014 at the Ingliston showground site.
- 2.2 The Council had received a request from Police Scotland to take action to prevent the event taking place due to concerns about public safety and order. Emergency powers were used to temporarily suspend the PEL in response to Police Scotland's concerns

Main report

- 3.1 The event which was suspended on 8 February 2014 has been rescheduled for 4 July 2014.
- 3.2 Significant work has been undertaken to address the concerns which led to the suspension of the event in February 2014.
- 3.3 As a result additional conditions are being proposed to the license variation request in order to ensure the safety of this event. These conditions are listed in [Appendix 1](#).
- 3.4 The license holder has advised that they will accept all of the proposed additional conditions with the exception of condition 3. This condition requires that all attendees provide proof of age.
- 3.5 Due to the circumstances surrounding the original licence suspension, this matter has been sent to the Committee for a decision on whether the recommended conditions should be applied to the PEL.
- 3.6 Committee members are asked to note that an occasional liquor licence is being applied for, in addition to the PEL.

Measures of success

- 4.1 The Council discharges its licensing functions appropriately.

Financial impact

- 5.1 There are no financial considerations arising from this report, the application attracts a fee to cover the Council's costs.

Risk, policy, compliance and governance impact

- 6.1 Because of the circumstances surrounding the originally scheduled event and its subsequent cancellation, it would be inappropriate for officers to grant the variation under delegated powers.

Equalities impact

- 7.1 Not relevant each application must be considered on its merits.

Sustainability impact

- 8.1 Not relevant each application must be considered on its merits.

Consultation and engagement

- 9.1 The application has been considered by the EPOG process. The applicant and promoters have co-operated with the Council and Police Scotland to ensure that previous concerns were addressed.

Background reading / external references

[Report to Licensing Sub-Committee meeting 7 March 2014](#) (agenda item 7.1)

Susan Mooney

Head of Service

Contact: Andrew Mitchell, Community Safety Manager

E-mail andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

Links

Coalition pledges	N/A
Council outcomes	N/A
Single Outcome Agreement	N/A
Appendices	Appendix 1 : Recommended conditions to attach to variation of Public Entertainment licence Appendix 2 : current Public Entertainment Licence

ITEM NO6.1**STREET TRADER NON FOOD
WITH EMP LICENCE****New**

APPLICANT DETAILS:	NAME	Geek's Guide To Scotland & Miki Inamura
STANCE:		Corner of Waverley Bridge and Princes Street
CONDITIONS RECOMMENDED		Standard Conditions
OBJECTIONS RECEIVED		SFC - Road Services
REASON FOR BEING CALLED TO COMMITTEE		The applicant has applied to trade from a stance at the corner of Waverly Bridge and Princes Street. However, the current Street Trader Policy prohibits trading in this area except in exceptional circumstances
DETERMINATION DATE		19 August 2014

NOTES:

The applicant has applied for a street traders licence to provide walking tours from this location between the hours of 9.30am and 3.30pm five days a week.

The committee have previously granted two licences to trade in close proximity to this location.

- on 24 April 2013 the committee granted a licence for a stance at "Waverley Bridge On The Corner Of Princes Street"**
- on 15 November 2013 the committee granted a licence for a stance at "Waverley Bridge Near The Junction With Princes Street Opposite Waverley Market".**

These licences are due to expire on 30 June 2014