

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 22 April 2015

Present

Councillors Barrie (Convener), Blacklock (Vice-Convener), Aitken, Booth (substituting for Councillor Burgess), Gardner, Heslop, Lunn and Redpath.

1. Application to Vary the Terms of Private Hire Car Vehicle Licence

An application had been received from Sean Dolan-Osbourne for the variation of Private Hire Car Licence conditions to remove the requirement for “Pre-Booked Hires Only” door stickers.

The applicant was heard in regard to their requests.

Decision

1. To continue consideration of the matter to the meeting of 24 April 2014 to allow the applicant to consider the implications on his business plan of not working as a regular pre-booked private hire by taking street bookings and only operating for school runs and pre-booked tours.
2. The Head of Legal, Risk and Compliance to draft a condition to restrict the licence by not working as a regular pre-booked private hire by taking street bookings and only operating for school runs and pre-booked tours.

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

2. 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.

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

Details were provided of 11 applications for miscellaneous licences submitted 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 – application details, submitted.)

4. Suspension of Private Hire Car Drivers Licence

The Head of Service, Community Safety, advised the Sub-Committee of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 3.1 to suspend Private Hire Car Driver's licence on 30 January 2015.

The Sub-Committee further noted the decision of the Licensing Sub-Committee on 4 March 2015 to suspend the licence with immediate effect in terms of paragraph 11(2)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the unexpired portion of the licence or such time as any renewal application was considered by the Licensing Sub-Committee.

The renewal application for this licence had been considered earlier in the meeting, details were provided of a request from the Chief Constable for the suspension of the licence.

The Chief Constable, the licence holder were heard.

Decision

That the request be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

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

5. Police Comments and Requests for Suspension of Licences

The Head of Service, Community Safety, advised the Sub-Committee of letters of comment regarding licence holders and reports requesting suspension of licences from the Chief Constable and the Head of Community Safety.

The Chief Constable and two licence holders were heard.

Decision

That the requests be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

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

Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 24 April 2015

Present

Councillor Barrie (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Gardner, Heslop, Lunn and Redpath.

1. Proposed Grand Orange Lodge of Scotland (District No. 5) Parades – 27 June 2015 (a.m and p.m)

Details were provided of proposed marches a.m and p.m by the Grand Orange Lodge of Scotland (District No. 5) to take place on Saturday 27 June 2015.

The organisers of the procession, the Chief Constable and the relevant council officers were heard.

Decision

To make an order in respect of the Grand Orange Lodge of Scotland (District No. 5) parades (a.m and p.m) on Saturday 27 June 2015 for the route specified in the Notices of Proposal and also subject to the conditions agreed by the Chief Constable and the Organisers agreement to adhere to the recommendations of the Events Planning and Operations Group.

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

2. Request for Reduction of Fees – Public Entertainment Licence Beltane Fire Festival

Details were provided of a request for a reduction of the application fee for a Public Entertainment Licence for the Beltane Fire Festival to be held on Calton Hill from 30 April to 1 May 2015.

Sara Thomas, Event Organiser was heard.

Decision

1. To note the terms of the request and to agree an application fee reduction to £1,000.
2. To note that the applicant has been requested to plan a budget for next year which would include payment of the full licence fee.

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

3. Request for Reduction of Fees – Public Entertainment Licence Foodies Festival

Details were provided of a request for a reduction of the application fee for a Public Entertainment Licence for the Foodies Festival to be held at Inverleith Park on 7 – 9 August 2015.

Jeremy Hitchin, Event Organiser was heard.

Decision

1. To note the terms of the request and to agree an application fee reduction to £150.
2. To note that the applicant has been requested to plan a budget for next year which would include payment of the full licence fee.

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

4. Request for Reduction of Fees – Public Entertainment Licence Scottish Chamber Orchestra - Virgin Money Fireworks

Details were provided of a request for a reduction of the application fee for a Public Entertainment Licence for the Virgin Money Fireworks to be held at Princes Street Gardens West including the Ross Theatre on 31 August 2015.

Tammo Schuelke, Event Organiser and Barry Ferguson, agent were heard.

Decision

To continue consideration of the matter to the Licensing Sub-Committee on 22 May 2015 for further discussions on fee options.

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

5. Request for Reduction of Fees – Public Entertainment Licence Church of Scotland ‘Heart and Soul’ Event

Details were provided of a request for a reduction of the application fee for a Public Entertainment Licence for the Church of Scotland ‘Heart and Soul’ Event to be held at Princes Street Gardens West on 17 May 2015.

Neil McLennon (agent) and Derek Browning (event organiser) were heard.

Decision

1. To note the terms of the request and to agree an application fee reduction to the fee scale for a 1 – 5,000 capacity, with a 25% discount (£2,139) and to limit the capacity to 5,000.
2. To note that the applicant has been requested to plan a budget for next year which would include payment of the full licence fee.

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

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6. Request for Reduction of Fees – Theatre Licence – Hidden Door

Details were provided of a request for a reduction of the application fee for a temporary Theatre Licence for Hidden Door for the period 22 – 30 May 2015 for an event at Street Lighting Depot, 8-20 King's Stables Road.

David Martin, Event Organiser was heard.

Decision

To note the terms of the request and to agree an application fee reduction to £500.

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

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

Details were provided of 9 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.)

8. Request for Suspension – Street Trader Licence

Details were provided of an application for suspension of a street trader licence at a stance outside Cannonball House, Castlehill, Edinburgh by the occupier of the property adjacent to the stance.

The occupier's legal representative asked the committee to consider suspension as they consider the licence holder to be in breach of Standard Condition 10 of the licence.

'The licence holder shall obtain all necessary and appropriate consents prior to commencing trading from any stance and in particular the consent of the owners of any land on which a stance is to be situated or which is adjacent to any stance'.

The Sub-Committee had continued this application from its meeting on 20 March 2015 to undertake an accompanied site visit.

The licence holder, objector and their agent, and the relevant council officers were heard.

Decision

To continue consideration of the matter to the Licensing Sub-Committee of 24 May 2015, to allow the licence holder to submit a new application for an alternative stance.

(Reference – Licensing Sub-Committee 20 March 2015 (minute item 4); report by the Head of Service, Community Safety, submitted)

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9. Public Entertainment Licence – Grassmarket Public Realm Space – Greater Grassmarket Bid Limited

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 Public Entertainment Licence for the Grassmarket Public Realm Space.

The applicant was heard in support of the application.

Decision

1. To grant the public entertainment licence subject to the council's standard conditions for this category of licence and final clearances:
Friday – Sunday 7.30 am – 8.30 pm
2. The licence holder to consult with the Acting Director of Services for Communities on the type of entertainment to be provided at the venue.

(Reference – tabled item, application, submitted)

10. Request for Variation – Private Car Hire Licence – Sean Forbes Dolan-Osborne

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.

The Licensing Sub-Committee at its meeting on 22 April 2015 had continued consideration of the matter to this meeting, the request for variation of a private car hire licence by the licence holder, to allow the removal of the 'Pre-Booked Hires Only' stickers from the front door of his private hire car:

1. To allow the applicant to consider the implications to his business plan of not working as a regular pre-booked private hire by taking street bookings and only operating for school runs and pre-booked tours.
2. The Head of Legal, Risk and Compliance to draft a condition to restrict the licence by not working as a regular pre-booked private hire by taking street bookings and only operating for school runs and pre-booked tours.

Decision

To continue consideration of the matter to the Licensing Sub-Committee of 24 May 2015, to allow the applicant to attend.

(Reference – Licensing Sub-Committee 22 April 2015 (item 1), tabled item, report by the Head of Service, Community Safety, submitted)

11. 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.

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

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

Decision

To determine the applications as detailed in Appendix 2 to this minute.

(Reference – list of applications, submitted.)

13. Consideration of Landlord Registration

Details were provided of applications made by five landlords, to be entered onto the City of Edinburgh Council's Register of Landlords.

Two of the landlords were heard.

Decision

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

(Reference – report by the Head of Housing and Regeneration, submitted.)

14. Police Request for Suspension of Late Hours Catering Licence

The Head of Service, Community Safety, advised the Sub-Committee of a request from the Chief Constable for the suspension of a late hours catering licence. Details of the licence was provided.

The Chief Constable, the applicant's representative and council officers were heard.

Decision

To continue consideration of the matter to 22 May 2015 for the licence holder to arrange and attend a face to face meeting with the Inspector (Police Licensing) to clarify the issues raised in the Chief Constable's report prior to the next meeting of the Licensing Sub Committee.

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

15. Police Request for Suspension of a Second Hand Dealer Licence

The Head of Service, Community Safety, advised the Sub-Committee of a request from the Chief Constable for the suspension of a second hand dealer licence. Details of the licence were provided.

A written request for a continuation of the matter to a future meeting of the Sub-Committee had been received from the applicant's legal agent who was unable to attend this meeting.

The Chief Constable advised that Police Scotland objected to the continuation request on the grounds that this would allow the premises to continue trading, and due to the nature of the suspension request which involved serious concerns in regard to the manner in which the premises had been operated.

The licence holder was heard in regard to the continuation request submitted by his agent.

Having considered both submissions the sub-committee agreed to refuse a request from the licence holder's legal representative for a continuation.

The Chief Constable and the licence holder were then heard in regard to the suspension request.

Decision

1. To refuse a request from the licence holder's legal representative for a continuation.
2. To suspend the licence with immediate effect, until expiry in terms of Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.
3. To advise the licence holder that they may apply to the Licensing Sub-Committee to have the suspension lifted at any time, or alternatively that they have the right of appeal to the Sherrif Court.

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

16. Request for Suspension of Second Hand Dealer Licence

The Head of Service, Community Safety, advised the Sub-Committee of a request from the Trading Standards Service within the Council for the suspension of a second hand dealers licence.

Two members of the public were in attendance at the meeting purporting to represent the licence holder.

The sub-committee heard the attendees and assessed their legitimacy to represent the licence holder. The sub-committee agreed that they were not bona fide representatives of the licence holder and were therefore not permitted to speak on this matter and excluded from the meeting.

The Chief Constable was then heard in regard to the suspension request.

Decision

1. The Licensing Sub-Committee agreed that representatives in attendance were not bona fide representatives of the licence holder and were therefore not permitted to speak on this matter and excluded from the hearing.
2. To suspend the licence with immediate effect, until expiry in terms of Paragraph 11(2)(a) and (c) of Schedule 1 of the Local Government (Scotland) Act 1973.

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

APPENDIX 1

Applications for Miscellaneous Licences

| Item No/Type of Licence/Applicant/Premises | Conditions applied for | Decision |
|--|------------------------|--|
| Item No 5.1(1) - Application for Renewal of House In Multiple Occupation Licence - Olivia Giles - 2F2 14 Steels Place | 3 Occupants | <ol style="list-style-type: none"> 1. To repel the objections and grant the licence renewal subject to the Council's standard conditions for this category of licence. 2. The Acting Director of Services for Communities to advise the licence holder on tenancy management issues. |
| Item No 5.1(2) - Application for Renewal of House In Multiple Occupation Licence - Eric Gardiner - 1F2 16 Grove Street | 4 Occupants | <ol style="list-style-type: none"> 1. To repel the objections and grant the licence renewal subject to the Council's standard conditions for this category of licence. 2. The Acting Director of Services for Communities to advise the licence holder and the objectors on tenancy management issues and an inspection of the door closers to be carried out. |
| Item No 5.1(3) - Application for Renewal of House In Multiple Occupation Licence - Stuart Gilroy - 1F2 4 Church Hill Place | 3 Occupants | <ol style="list-style-type: none"> 1. To accept the late objections as reasons had been provided. 2. To repel the objection and grant the licence renewal subject to the Council's standard conditions for this category of licence. 3. The Director of SFC to carry out monitoring for the duration of the licence. |
| Item No 5.1(4) - Application for Renewal of House In Multiple Occupation Licence - Robert and Rachel Gardner - Flat 9 34 Upper Gray Street | 4 Occupants | To repel the objection and grant the Licence renewal subject to the Council's standard conditions for this category of licence. |

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|--|---------------------------|---|
| Item No 5.1(5) - Application for New of House In Multiple Occupation Licence - John Braidwood - Flat 10 29 Fettes Row | 3 Occupants | <ol style="list-style-type: none"> To note the objection had been withdrawn. To grant the licence renewal subject to the Council's standard conditions for this category of licence. |
| Item No 5.1(6) - Application for Renewal of House In Multiple Occupation Licence - Kim MacLay - 3F1 23 Polwarth Gardens | 4 Occupants | <ol style="list-style-type: none"> To accept the late objection as reasons had been provided. To repel the objection and grant the licence renewal subject to the Council's standard conditions for this category of licence. |
| Item No 5.1(7) - Application for New of Street Trader Licence - Benny Yadgarian - Rose Street | Standard Conditions | To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. |
| Item No 5.1(8) - Application for Renewal of Street Trader Licence - Geraldine Jolliffe - Rose Street | Standard Conditions | To grant the licence subject to the Council's standard conditions for this category of licence. |
| Item No 5.1(9) - Application for New of Late Hours Catering Licence - Croft Pizza T/A Papajohns - Unit 9 114 Dundee Street | 01.00 hrs Monday - Sunday | <p>To grant the licence subject to the Council's standard conditions for this category of licence.</p> <p>Zone 3:</p> <p>Sunday – Thursday 23.00 -24.00 hrs</p> <p>Friday – Saturday 23.00 - 01.00 hrs.</p> |

Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 15 May 2015

Present

Councillors Barrie (Convener), Blacklock (Vice-Convener), Cairns, Gardner, Heslop and Lunn.

1. 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.

3. Consideration of Landlord Registration

Details were provided of 23 applications for Landlord Registration.

Decision

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

(Reference – application details, submitted.)

Declaration of Interests

Councillors Barrie, Blacklock and Cairns declared a non-financial interest in agenda item B4.1 as registered landlords.