

Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 22 May 2015

Present

Councillor Barrie (Convener), Blacklock (Vice-Convener), Aitken, Cairns, Corbett (substituting for Burgess), Heslop, Lunn and Redpath.

1. Minutes

Decision

To approve the minutes of the Licensing Sub-Committee of 22 and 24 April and 15 May 2015 as a correct record.

2. Proposed James Connolly Commemoration Parade – 6 June 2015

Details were provided of a proposed march in commemoration of Jame Connolly to take place on 6 June 2015.

Neil Baillie, Event Organiser was heard.

Decision

To make an order in respect of the James Connolly Commemoration Parade on 6 June 2015 with the amended start time of 13.30 hrs for the route specified in the Notice of Proposal 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 Head of Service, Community Safety, submitted)

3. Proposed HD March on Parliament – 11 June 2015

Details were provided of a proposed march by the Scottish Huntington's Association to take place on 11 June 2015.

Joanne Baldock, Event Organiser was heard.

Decision

To make an order in respect of the HD March on Parliament on 11 June 2015 for the route specified in the Notice of Proposal 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 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 refuse the request.

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

5. Request for Reduction of Fees – Public Entertainment Licence Edinburgh Mela 2015

Details were provided of a request for a reduction of the application fee for a public entertainment licence for the Edinburgh Mela 2015, from 28 – 30 August.

Chris Purnell, Director of the Edinburgh Mela was heard.

Decision

1. To note the terms of the request and to agree an application fee reduction to £3,000.
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)

6. Request for Rebate of Fees Market Operator Licence Eric Liddell Centre

Details were provided of a request for a rebate of the £539 fee paid in 2014 for an annual market operator's licence.

Decision

To refuse the request as it was not submitted timeously and the Council accounts for 2014/15 had been closed.

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

(Councillor Aitken declared a non-financial interest in the above item as the applicant was known to her, left the room and took no part in consideration of the matter.)

7. Request for Reduction of Fees – Public Entertainment Licence Armed Forces Day 2015

Details were provided of a request for a reduction of the application fee for a public entertainment licence for the Armed Forces Day celebrations 2015.

Decision

1. To note the terms of the request and to agree an application fee reduction to £112.
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)

8. 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 Appendix 1 to this minute.

(Reference – list of applications, submitted.)

9. 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.

At its meeting on 22 April 2015, the Licensing Sub-Committee had agreed 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.

The complainant intimated that they had new information they wished to submit for consideration by the Committee.

Decision

To continue consideration of the matter to the Licensing Sub-Committee meeting of 19 June 2015, to allow the licence holder to attend and to allow the complainant to submit further written material.

(Reference – Licensing Sub-Committee 20 March 2015 (minute item 4); 22 April 2015 (minute item 8) report by the Head of Service, Community Safety, submitted)

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

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.

Motion

1. To grant the variation only to the specific vehicle, Ford Tournio, registration number S95D0, Plate No 290 whilst it is licensed by the applicant and that, if the vehicle is replaced, the exemption would no longer apply.
 2. The rear licence plate would carry the additional wording ‘Door Sticker Exemption’.
 3. The variation would only last for the period to renewal of licence, if the licence holder sought a further variation, the application would be required to be considered by Committee and the applicant to submit evidence of the vehicle’s usage.
- moved by Councillor Heslop, seconded by Councillor Barrie

Amendment

To refuse the variation.

- moved by Councillor Lunn, seconded by Councillor Redpath

Voting

For the motion - 5

For the Amendment - 3

Decision

1. To grant the variation only to the specific vehicle, Ford Tournio, registration number S95D0, Plate No 290 whilst it is licensed by the applicant and that, if the vehicle is replaced, the exemption would no longer apply.

2. The rear licence plate would carry the additional wording 'Door Sticker Exemption'.
3. The variation would only last for the period to renewal of licence, if the licence holder sought a further variation, the application would be required to be considered by Committee and the applicant to submit evidence of the vehicle's usage.

(Reference – Licensing Sub-Committee 22 April 2015 (minute item 1), 24 April 2015 (minute item 10) 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 two 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 2 to this minute.

(Reference – list of applications, submitted.)

13. Consideration of Landlord Registration Applications

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

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 were provided.

A letter from the licence holder's legal representative advising that they no longer wished to be the licence holder was submitted.

Decision

To continue consideration of the matter to the meeting of 19 June 2015 to allow the licence holder to attend, and to advise them that this was the final continuation and the matter would be determined in their absence.

(Reference – Licensing Sub-Committee 24 April 2015 minute (item 14) report by the Head of Service, Community Safety, submitted)

15. Police Request for Suspension of a Taxi Driver's Licence

The Head of Service, Community Safety, advised the Sub-Committee of a request from the Chief Constable for the suspension of a taxi driver's licence. Details of the licence were provided.

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

Decision

1. To not suspend the licence.
2. To issue a warning to the licence holder with regard to their future conduct.

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

16. Police Request for Suspension of Private Hire Car Driver's Licence

The Head of Service, Community Safety, advised the Sub-Committee of a request from the Chief Constable for the suspension of a private hire car driver's licence.

The licence holder, legal representative and the Chief Constable were heard in regard to the suspension request.

Decision

To suspend the licence with immediate effect, until expiry in terms of section 11(2)(a) (10) and (11) of the Civic Government (Scotland) Act 1982.

(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 6.1(1) - Application for Renewal of House In Multiple Occupation Licence – Philip Sutherland - 3F2 48 Marchmont Road	6 Occupants amended to 5	<ol style="list-style-type: none"> 1. To accept the late objections as reasons had been provided. 2. To repel the objections and grant the licence for 5 occupants subject to the Council's standard conditions for this category of licence. 3. The Acting Director of Services for Communities to advise the objectors on tenancy management issues.
Item No 5.1(2) - Application for Renewal of House In Multiple Occupation Licence – Alistair Maclay 2F2 98 Marchmont Road -	4 Occupants	To repel the objections and grant the licence renewal subject to the Council's standard conditions for this category of licence.
Item No 5.1(3) - Application for Renewal of House In Multiple Occupation Licence – Emma Hendry- 1F2 27 Lauderdale Street	4 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.
Item No 5.1(4) - Application for Renewal of House In Multiple Occupation Licence – Benjamin Lesser 4F1 16 Marchmont Crescent	4 Occupants	To continue consideration of the matter to the meeting of 19 June 2015 to allow the applicant to attend.

<p>Item No 5.1(5) - Application for New of House In Multiple Occupation Licence – Trevor Thistlewaite 3F2 Roseneath Terrace</p>	<p>4 Occupants</p>	<ol style="list-style-type: none"> 1. To grant the licence renewal subject to the Council's standard conditions for this category of licence. 2. The PRST to write to all agents/landlords for the HMOs in the stair to encourage considerate bike storage
<p>Item No 5.1(6) - Application for Renewal of House In Multiple Occupation Licence – Geoffrey Burns 2F1 42 Montgomery Street</p>	<p>3 Occupants</p>	<p>To repel the objection and grant the licence renewal subject to the Council's standard conditions for this category of licence.</p>
<p>Item No 6.1(7) - Application for variation of cinema licence – Edinburgh International Film Festival</p>	<p>Variation Condition 2 of the council's standard conditions to allow the showing of uncertificated films</p>	<p>To grant the variation of Condition 2 fo the Council's standard conditions for this category of licence to allow the showing of uncertificated films at the following venues during the Edinburgh International Film Festival :</p> <p>Festival Theatre Edinburgh, Nicolson Street</p> <p>Filmhouse, 88 Lothian Road</p> <p>Cineworld, Fountain Park, 130 Dundee Street</p> <p>Odeon, 118 Lothian Road, Edinburgh</p> <p>Dominion, 18 Newbattle Terrace, Edinburgh</p>