

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday 17 June 2015

Present

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

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.

2. 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.)

3. Licenceholder Request for Recall of Licence Suspension

Details were provided of a request from a licenceholder to recall a licence suspension for a private hire car driver's licence.

The licenceholder was 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 Community Safety, submitted)

Declaration of Interest

Councillors Aitken and Heslop declared a non-financial interest in the above item, as the licence holders' present employer was known to them, they left the room and took no part in consideration of the matter.

4. Police Requests for Suspension of Licences and Police Comment

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 four 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.)

5. Application for Taxi Driver's Licence

Details were provided of an application for a taxi driver's licence, made by an applicant who did not meet the criteria for the grant of such a licence.

The licenceholder and his representative were heard.

Decision

- 1) To grant the taxi driver's licence, subject to standard conditions.
- 2) To exempt the licence holder from Gropup 2 medical standards for the following condition only: Nocturnal Epilepsy, and subject to there being no change in his medical condition.

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

Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 19 June 2015

Present

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

1. Minutes

Decision

To approve the minutes of the Licensing Sub-Committee of 20 and 22 May 2015 as correct records.

2. Parades and Processions - Proposed Dunedin Dancers 23rd International Folk Dance Festival

Details were provided of a proposed march by the Dunedin Dancers to take place on 20 July 2015.

Malcolm Oswald, the applicant was heard.

Decision

To make an order in respect of the Dunedin Dancers march on 20 July 2015 for the route specified in the Notices of Proposal and also subject to the Council's standard conditions, 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. Request for Suspension – Street Traders License

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.

At its meeting on 22 May 2015, the Licensing Sub-Committee agreed to continue consideration of the matter to the Licensing Sub-Committee of 19 June 2015, to allow the licence holder to attend.

Mr Scott (License holder), Mr Nisbet (Legal Representative for the Complainer) and Mr Contini (Complainer) were heard

Motion

To suspend the licence in terms of paragraph 11(1)(d) of schedule 1 of the Civic Government (Scotland) Act 1982.

- moved by Councillor Barrie, seconded by Councillor Redpath

Amendment

To allow the License holder to retain the Street Traders license.

- moved by Councillor Lunn, seconded by Councillor Cairns

Voting

For the motion - 4 votes

For the amendment - 3 votes

Decision

- 1) To suspend the licence in terms of paragraph 11(1)(d) of schedule 1 of the Civic Government (Scotland) Act 1982.
- 2) To note that the applicant surrendered the licence immediately.

(Reference – Minute of the Licensing Sub-Committee 22 May 2015 (minute item 9); report by the Head of Service, Community Safety, submitted)

4. Public Entertainment License (Temporary) – ‘Ladyboys’ Festival Show at Fountainbridge Gap Site

Details were provided of an application for a Temporary Public Entertainment Licence for the gap site at Fountainbridge.

The applicant, Mr Wilson, was heard in support of the application.

Decision

- 1) To repel the objection and grant the licence subject to the Council’s standard conditions for this category of licence and the following additional conditions:
 - All amplified music and vocals to be controlled so that the music noise level when assessed one metre from the façade of any noise sensitive premises during sound checks and performances does not exceed 65 dB(A) over a five minute period.
 - Bass beat to be controlled to the satisfaction of the Acting Director of Services for Communities.
 - No amplified music and vocals after 11pm.

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

5. Applications for Miscellaneous Licences – 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 Appendix 1 to this minute.

(Reference – list of applications, submitted.)

6. Market Operator Licence – Hands Up Media - Grassmarket

Details were provided of an application for a Market Operators Licence from Hand Up Media to take place between 5 and 14 August 2015 in the Grassmarket and between 16 and 22 August 2015 in Castle Street.

Tanya Pramschueuffer, the applicant was heard.

Decision

- 1) To grant the licence for the Castle Street location but not the Grassmarket location, subject to the Council's standard conditions for this category of licence and for a two week duration ending 22 August 2015.
- 2) To note that the committee emphasised to the applicant that any future application for these locations should have regard to the Council's policy on duration of markets of no more than one week per location.

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

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. 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 the Confidential Schedule signed by the Convener with reference to this minute.

(Reference – list of applications, submitted.)

9. 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

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)

10. Police Request for Suspension of Late Hours Catering License

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.

Decision

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

(Reference – Minute of the Licensing Sub-Committee 22 May 2015 (minute item 14); report by the Head of Service, Community Safety, submitted)

11. Taxi Vehicle Licence – Renewal – 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 Taxi Vehicle Licence, Renewal.

The applicant was heard in support of the application.

Decision

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

(Reference – tabled item, application, submitted)

12. Consideration of Landlord Registration Applications

Details were provided of applications made by eleven 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.)

APPENDIX 1

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item No 8.1.1 – Application for - Market Operators Licence (Temporary) - Nest Events Limited - Princes Mall Roof Terrace, Princes Street Edinburgh, EH1 1BQ	Standard Conditions	To repel the objection and grant the temporary licence subject to the Council's standard conditions for this category of licence.
Item No 8.1.2 - Application for -HMO Licences (Renewal) - Mr Benjamin Lesser - 4F1, 16 Marchmont Crescent Edinburgh, EH9 1HL	4 Occupants	<ol style="list-style-type: none"> 1) To accept the late objection as reasons had been provided. 2) To repel the objection and grant the renewal licence for 4 occupants subject to the Council's standard conditions for this category of licence.
Item No 8.1.3 - Application for -HMO Licences (Renewal) - Ms Emma North - 2F2, 7 Roseneath Terrace, Edinburgh, EH9 1JS	4 Occupants	<p>To repel the objection and grant the renewal licence for 4 occupants subject to the Council's standard conditions for this category of licence.</p> <p>(Councillor Main 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.)</p>
Item No 8.1.4 - Application for -HMO Licences (Renewal) - Shaun David Cooper and Patricia Ann Cooper - 1F1 16 Spottiswoode Street Edinburgh, EH9 1ER	3 Occupants	To repel the objection and grant the licence renewal for 3 occupants subject to the Council's standard conditions for this category of licence.
Item No 8.1.5 - Application for -HMO Licences (Renewal) - Ian Johnstone & Elaine Johnstone- 3F1, 44 Montgomery Street, Edinburgh, EH7 5JY	3 Occupants	To repel the objection and grant the licence renewal for 3 occupants subject to the Council's standard conditions for this category of licence.

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item No 8.1.(6) - Application for -HMO Licences (New) - Michael Fleming - Flat 7, 3 Coburg Street, Edinburgh, EH6 6ET	3 Occupants	<ol style="list-style-type: none"> 1) To accept the late objection as reasons had been provided. 2) To repel the objections and grant the licence for 3 occupants subject to the Council's standard conditions for this category of licence.
Item No - 8.1.(7) Application for - HMO Licences (New) - Ms Wendy Halstead - 100 Glasgow Road, Edinburgh, EH 12 8LP	16 Occupants	<ol style="list-style-type: none"> 1) To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence subject to the following condition. 2) 13 occupants only, with 1 being reserved for a staff member. 3) The Acting Director of Services to monitor the tenancy management and to report to back to the Licensing Sub-Committee in 6 months time.
Item No - 8.1.(8) - Application for - Street Trader Licence (Temporary) - David Martin Coutts - Tron Kirk High Street Unit 11 & 12 * Stances 11 and 12 Hunters Square	Dates sought: 17 July – 31 August 2015 (1000-0300 hours daily)	To grant the temporary licence subject to the Council's standard conditions for this category of licence.
Item No - 8.1.(9) - Application for Street Trader Licence (Temporary) - Kenneth David Scott - Tron Kirk High Street Unit 11 & 12 * adjacent to the North side of the Kirk on the High Street	Dates sought: 17 July – 31 August 2015 (1000-0300 daily)	To grant the temporary licence subject to the Council's standard conditions for this category of licence.
Item No 8.1.(10) - Application for Late Hours Catering Licence (Temporary) - David Martin Coutts - Tron Kirk High	Dates sought: 17 2015 – 31 August 2015 (1000-0300 daily)	To grant the Licence for the hours 2300 to 0300 (daily) between 17 July – 31 August 2015 subject to the Council's standard conditions for this category of licence. (On a division)

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Street Unit 11 & 12 * adjacent to the North side of the Kirk on the High Street.		See note below.
Item No 8.1.(11) - Application for Late Hours Catering Licence (New) - Kenneth David Scott - Tron Kirk High Street Unit 11 & 12. *adjacent to the North side of the Kirk on the High Street	Dates sought: 17 2015 – 31 August 2015 (1000-0300 daily)	To grant the Licence for the hours 2300 to 0300 (daily) between 17 July – 31 August 2015 subject to the Council's standard conditions for this category of licence. (On a division) See note below.
Item No 8.1.(12) - Application for Late Hours Catering Licence (New) - Concorde Fish Bar - 49 Home Street, Edinburgh, EH3 9JP	A 3am late licence	<ol style="list-style-type: none"> 1) To accept the late objections as reasons had been provided. 2) To refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item No 8.1.(13) - Application for Late Hours Catering Licence (New) - Mr Mustafa Meydan - 18 Home Street, Edinburgh, EH3 9LY	To trade from 2300-0300 daily.	<ol style="list-style-type: none"> 1) To accept the late objection as reasons had been provided. 2) To grant the Late Hours Catering Licence (New) application subject to the Council's standard conditions for this category of licence in zone 1, namely – Sun-Thurs 0200, Fri-Sat 0300. (On a division) See note below.
Item No 8.1.(14) - Application for Theatre Licence (Temporary) - Underbelly Limited - Middle Meadow Walk, Edinburgh	Dates sought: 5 August - 1 September 2015.	To repel the objection and grant the temporary licence subject to the Council's standard conditions for this category of licence.
Item No 8.1.(15) - Application for Late Hours Catering Licence (New) - Mr Andrew Watson - 137	To open until 5am permanently.	<ol style="list-style-type: none"> 1) To grant the variation subject to the Council's standard conditions to allow the premises to remain open 24 hours a day 7 days a week, for a period of 6 months.

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Princes Street, Edinburgh, EH2 4BL		2) SIA Stewards to be in attendance on Friday and Saturdays until 5 am. (On a division) See note below.

NOTE:

Item No 8.1.(10) - Application for Late Hours Catering Licence (Temporary) - David Martin Coutts - Tron Kirk High Street Unit 11 & 12

*adjacent to the North side of the Kirk on the High Street.

Item No 8.1.(11) - Application for Late Hours Catering Licence (New) - Kenneth David Scott - Tron Kirk High Street Unit 11 & 12.

*adjacent to the North side of the Kirk on the High Street

Motion

To grant the temporary late hours catering license at Tron Kirk, adjacent to the North side of the Kirk on the High Street and the new late hours catering license adjacent to the North side of the Kirk on the High Street subject to the Council's standard conditions for this category of licence.

- Moved by Councillor Barrie, seconded by Councillor Blacklock

Amendment

To refuse the temporary late hours catering license at Tron Kirk, adjacent to the North side of the Kirk on the High Street and the new late hours catering license adjacent to the North side of the Kirk on the High Street in terms of paragraph 5(3)(d) of schedule 1 of the Civic Government (Scotland) Act 1982

- Moved by Councillor Main, seconded by Councillor Aitken

Voting

For the motion - 5 votes

For the amendment - 2 votes

Decision

- 1) To accept the late objection as reasons had been provided.
- 2) To grant the Late Hours Catering Licence (Temporary) application for the hours 2300 to 0300 (daily) between 17 July – 31 August 2015 subject to the Council's standard conditions for this category of licence.
- 3) To grant the Late Hours Catering Licence (New) for the hours 2300 to 0300 (daily) between 17 July – 31 August 2015 subject to the Council's standard conditions for this category of licence.

(Reference application details submitted)

Item No 8.1.(13) - Application for Late Hours Catering Licence (New) - Mr Mustafa Meydan - 18 Home Street, Edinburgh, EH3 9LY

Motion

- 1) To accept the late objection as reasons had been provided.
- 2) To grant the Late Hours Catering Licence (New) application subject to the Council's standard conditions for this category of licence in zone 1, namely – Sun-Thurs 0200, Fri-Sat 0300.
 - Moved by Councillor Barrie, seconded by Councillor Blacklock

Amendment

- 1) To accept the late objection as reasons had been provided.
- 2) To refuse the Late Hours Catering Licence (New) application in terms of paragraph 5(3)(c)(ii) and (iv) of schedule 1 of the Civic Government (Scotland) Act 1982
 - Moved by Councillor Main, seconded by Councillor Aitken

Voting

- For the motion - 5 votes
For the amendment - 2 votes

Decision

- 1) To accept the late objection as reasons had been provided.
- 2) To grant the Late Hours Catering Licence (New) application subject to the Council's standard conditions for this category of licence in zone 1, namely – Sun-Thurs 0200, Fri-Sat 0300.

(Reference application details submitted)

Item No 8.1.(15) - Application for Late Hours Catering Licence (New) - Mr Andrew Watson - 137 Princes Street, Edinburgh, EH2 4BL

Motion

- 1) To grant the variation subject to the Council's standard conditions to allow the premises to remain open 24 hours a day 7 days a week, for a period of 6 months
- 2) SIA Stewards to be in attendance on Friday and Saturdays until 5 am.
 - Moved by Councillor Lunn, seconded by Councillor Cairns

Amendment

To refuse the variation to the Late Hours Catering Licence (New) application in terms of in terms of paragraph 5(3)(c)(ii) and (iv) of schedule 1 of the Civic Government (Scotland) Act 1982.

- Moved by Councillor Redpath, seconded by Councillor Aitken

Voting

For the motion - 4 votes

For the amendment - 3 votes

Decision

- 1) To grant the variation subject to the Council's standard conditions to allow the premises to remain open 24 hours a day 7 days a week, for a period of 6 months
- 2) SIA Stewards to be in attendance on Friday and Saturdays until 5 am.