

## Licensing Sub-Committee of the Regulatory Committee

10.00 am Wednesday 22 July 2015

### Present

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

### 1. Minutes

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#### Decision

- 1) To approve the minute of the Licensing Sub-Committee of 17 June as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 19 June subject to following amendments

Page 4 item 11 heading – Grassmarket Public Realm Space – Greater Grassmarket Bid Limited to be deleted

Page 6 item 8.1(8) decision to read

“To grant the temporary licence subject to the Council's standard conditions for this category of licence and subject also to no existing street traders being affected”

Pages 6 and 7 items 8.1(9) and (11) reference to Unit 11 and 12 deleted

Pages 6 and 7 items 8.1(10) and (11) column 2 dates to read 17 July 2015 to 31 August 2015

Pages 9 and 10 Amendments to read

Moved by Councillor Aitken, seconded by Councillor Redpath

### 2. Proposed ‘Walk a Mile in My Shoes’ (See Me Scotland) Parade – 3 September 2015

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Details were provided of a proposed march by the See Me Scotland to take place on 3 September 2015.

Elenor Ogilvie, the applicant was heard.

#### Decision

To make an order in respect of the Walk a Mile in My Shoes march on 3 September 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. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006**

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Details were provided of 10 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.)

### **4. Resolution to Consider in Private**

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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, 6, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

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

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Details were provided of 4 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 – list of applications, submitted.)

### **6. Consideration of Landlord Registration Applications**

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Details were provided of applications made by five 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 – Minute of the Licensing Sub-Committees 22 May 2015 (minute item 14) and 19 June 2015 (minute item 12); report by the Head of Housing and Regeneration, submitted.)

### **7. Police Objection to Grant of Licence and Request for Suspension of Licences**

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The Head of Service, Community Safety, advised the Sub-Committee of an objection from the Chief Constable to an application for a street trader licence together with a request for the suspension of street trader licences issued to the same licence holder.

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

**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)

**8. Police Request for Suspension of a Taxi Driver’s Licence**

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

**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)

**9. Police Requests for Suspension of Licences and Police Comment**

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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 five licence holders and/or agents 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.)

## APPENDIX 1

### Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item No 6.1.1 - Application for House In Multiple Occupation Licence - Alan and Marion Glauch - 1f1, 167 Morningside Road, Edinburgh, EH10 4AX	3 Occupants	To repel the objections and grant the licence renewal subject to the Council's standard conditions for this category of licence and subject also to monitoring for six months
Item No 6.1.2 - Application for House in Multiple Occupation Licence - Joseph Woods - 1f1, 4 Warrender Park Crescent, Edinburgh, EH9 1DX	5 Occupants	<ol style="list-style-type: none"> <li>1) To repel the objections and grant the licence renewal subject to the Council's standard conditions for this category of licence and subject also to monitoring for six months.</li> <li>2) Private Rented Services to advise the agent of advice to be given to new tenants on standards expected for living in a HMO</li> <li>3) To note the agents agreement to remove the table and chairs from the kitchen</li> </ol>
Item No 6.1.3 - Application for Street Trader Licence (New) - Kuldeep Kumar – High Street	20.07.15 to 27.07.15 and 27.07.15 to 02.08.15	To refuse the application in terms of Paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982, as the applicant had failed to comply with the Council's standard conditions for this category of licence
Item No 6.1.4 – Application for Theatre Licence (Variation) - Assembly Festival Ltd and Nicholas Whybrew - 2 Roxburgh Place, Edinburgh, EH8 9SU	<p>Extension of hours 2300 – 0130 (7 August to 31 August 2015)</p> <p>Dates applied for 16 July to 1 September 2015</p>	To grant the variation of licence subject to the Council's standard conditions for this category of licence

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
<p>Item No 6.1.5 – Application for Theatre Licence (Temporary) - Steve Kennedy - 209 Fountainbridge, Edinburgh, EH3 9RU</p>	<p>Standard Conditions 4 August to 30 August 2015</p> <p>12 Noon to 12 Midnight daily and extension of hours to 0200 on 04.08.15 and 29.08.15</p>	<p>To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence and subject to the following conditions</p> <p>Marquee 1</p> <ul style="list-style-type: none"> <li>• All amplified music and vocals to be controlled so that the music noise level when assessed 1metre from the façade of any noise sensitive premises during sound checks and performances does not exceed 65 dB(A) over a five minute period.</li> <li>• Bass beat to be controlled to the satisfaction of the No amplified music and vocals after 11pm.</li> <li>• No advertising boards to be placed on the pavement</li> </ul> <p>Marquee 2</p> <ul style="list-style-type: none"> <li>• All amplified music and vocals to be restricted to background music, should any complaints be received the licence holder shall take action subject to the direction of the Acting Director of Services for Communities.</li> <li>• Bass beat to be controlled to the satisfaction of the Acting Director of Services for Communises.</li> <li>• No amplified music and vocals after 11.45 pm.</li> <li>• No advertising boards to be placed on the pavement outside the licensed venue</li> </ul>
<p>Item No 6.1.6 – Application for Late Hours Catering Licence (New) - Seher Yilmaz - 266 Leith Walk, Edinburgh, EH6 5EL</p>	<p>Mon – Thurs 2300 – 0100 Fri – Sat 2300 – 0200</p>	<p>To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence.</p>

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item No 6.1.7 – Application for Street Trader Licence (Temporary) - Edin Leisure Limited and Harry Bennett - 192a High Street, Edinburgh, EH1 1RW	30.07.15 to 30.08.15  1100 to 2200 daily	To refuse the application in terms of Paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982, as the application site would conflict with an existing licensed area  (On a division)  See note below
Item No 6.1.8 – Application for Late Hours Catering Licence (Renewal) - Sami M Sultan - 18 – 20 West Port, Edinburgh EH1 2JE	Mon – Thurs 2300 – 0200  Fri – Sat 2300 – 0300	To continue consideration of the matter to 14 August 2015 to allow the applicant to attend.
Item No 6.1.9 – Application for Street Trader Licence (New) - Asa Iden Bradley Hanlon - Pleasance, Edinburgh	0700 – 1900 Daily  Standard Conditions	1) To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982,  2) To note that the application fee would be transferred to a new application for a street trader licence made by the applicant
Item No 6.1.10 – Application for Late Hours Catering Licence (Variation) - Adil Sheikh – Elfalafel - 15 Bristo Place, Edinburgh EH1 1EZ	Mon – Thurs 0200 – 0400  Fri – Sat 0300 – 0500  1 to 31 August 2015	To grant the variation of licence for the hours Mon – Thurs 0200 – 0300 and Fri – Sat 0300 – 0400 subject to the Council's standard conditions for this category of licence

**NOTE:**

**Item No 6.1.7** - Application for Street Trader Licence (Temporary) - Edin Leisure and Harry Bennett - 192a High Street, Edinburgh

**Motion**

- 1) To grant the temporary street trader licence license at 192a High Street, Edinburgh for the sale of ice cream only for the period 30 July 2015 to 30 August 2015 for the hours 11 am to 10 pm daily subject to the Council's standard conditions for this category of licence.
- 2) To grant a variation of the conditions of licence to allow the sale of ice cream until 10 pm
  - Moved by Councillor Blacklock seconded by Councillor Heslop

**Amendment**

To refuse the application in terms of Paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982, as the application site would conflict with an existing licensed area

- Moved by Councillor Barrie, seconded by Councillor Lunn

**Voting**

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

**Decision**

To refuse the application in terms of Paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982, as the application site would conflict with an existing licensed area

(Reference application details submitted)