

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday 11 November 2015

Present

Councillors Barrie (Convener), Blacklock, Aitken, Burgess, Cairns, Gardner, Lunn and Redpath.

1. Request for Variation – Private Hire Car Licence – Sameer Khan

Details were provided of a request by a private hire car licence holder to vary his licence conditions to allow the removal of the 'Pre-Booked Hires Only' stickers from his private hire car.

Decision

To refuse the variation.

(Reference – Licensing Sub-Committee 7 October 2015 (item 2); report by the Head of 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 9 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. Police Requests for Suspension of Licences and Police Comment

Details were provided of a request for the suspension of a licence and a request to grant a licence for a limited period from the Chief Constable.

The Chief Constable and the applicant (2) were heard.

Decision

1. To continue consideration of the matter to the meeting of the Licensing Sub-Committee on 9 December 2015 to allow the licence holder to attend.
2. To determine the application as detailed in the Confidential Schedule signed by the Convener with reference to this minute.

(Reference – report by the Head of Housing and Regulatory Services, submitted.

Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 13 November 2015

Present

Councillor Barrie (Convener), Aitken, Cairns, Gardner, Heslop, Lunn, Main (substituting for Burgess) and Redpath

1. Minutes

Decision

To approve the minute of the Licensing Sub-Committee of 25 September, 7 October and 9 October 2015 as a correct record.

2. Request for Fee Refund – Market Operators and Second Hand Dealers Licences – Stamp and Booksellers fair – 3 October 2015

A request was received on behalf of Provincial Booksellers Fairs Association (PBFA) for a reduction in the cost of a Second Hand Dealer's (Stamp & Book Fair Dealers) Licence application and to agree a partial fee reduction to £150.00 for a Temporary Market Operator's Licence fee for a book fair.

The applicant, Andy Betchley, was heard.

Motion

- 1) To note the terms of the request.
 - 2) To agree a partial fee reduction to £150.00 for a Market Operator's Licence
 - 3) To reduce the Second Hand Dealer's (Stamp & Book Fair Dealer's) Licence to £30.00 for members of the Provincial Booksellers Fairs Association.
- Moved by Councillor Barrie seconded by Councillor Redpath

Amendment

- 1) To note the terms of the request.
 - 2) To reject the request for a fee refund.
- Moved by Councillor Heslop seconded by Councillor Lunn

Votes

For the Motion	4
For the Amendment	4

Casting Vote

The votes cast being equal, the Convener cast his vote in favour of the motion.

Decision

- 1) To note the terms of the request.
- 2) To agree a partial fee reduction to £150.00 for a Market Operator's Licence
- 3) To reduce the Second Hand Dealer's (Stamp & Book Fair Dealer's) Licence to £30.00 for members of the Provincial Booksellers Fairs Association.

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

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

Details were provided of 30 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.)

5. 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, 6, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

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

Details were provided of two applications for miscellaneous licences.

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.)

7. Consideration of Landlord Registration Applications

Details were provided of an application made by a landlord, to be entered onto the City of Edinburgh Council's Register of Landlords.

Decision

To determine the application 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 5.1.1 - 1F2 25 Angle Park Terrace HMO License (New)	3 Occupants	To repel the objections and grant the licence for 3 occupants, subject to the Council's standard conditions for this category of licence.
Item 5.1.2 - 1F2 46 Polwarth Gardens HMO License (New)	4 Occupants	<ol style="list-style-type: none"> 1. To grant the licence for 4 occupants, subject to the Council's standard conditions for this category of licence. 2. To note the objection had been withdrawn.
Item 5.1.3 - 1F1 48 London Street HMO License (New)	4 Occupants	To continue consideration of the matter to 11 December 2015 to allow the applicant to attend.
Item 5.1.4 - Flat 7 4 Bernard Terrace HMO License (New)	5 Occupants	To continue consideration of the matter to 11 December 2015 to allow the applicant to attend.
Item 5.1.5 - 2F1 93 Dundas Street HMO License (Renewal)	4 Occupants	To repel the objections and grant the licence renewal for 6 months subject to the Council's standard conditions for this category of licence.
Item 5.1.6 - 3F1 93 Dundas Street HMO License (Renewal)	4 Occupants	To repel the objections and grant the licence renewal for 6 months subject to the Council's standard conditions for this category of licence.
Item 5.1.7 - 1F2 20 Henderson Row HMO License (Renewal)	5 Occupants	To repel the objections and grant the licence renewal for 5 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 5.1.8 - Flat 3 6 Russell Gardens HMO License (Renewal)	3 Occupants	<ol style="list-style-type: none"> 1. To grant the licence renewal for 3 occupants, subject to the Council's standard conditions for this category of licence. 2. To note that the objection was withdrawn.
Item 5.1.9 - 1F2 25 St James Square HMO (Renewal)	4 Occupants	To continue consideration of the matter to 11 December 2015 and to instruct the agent or the applicant to attend the meeting.
Item 5.1.10 - Mr Florin Mocanu Street Trader Licence (New)	Rose Street at Honover Street	To note that the application was withdrawn.
Item 5.1.11 - Sami Sultan Late Hours Catering (Renewal)	Standard Conditions	<ol style="list-style-type: none"> 1. To repel the objection and grant the licence subject to the standard conditions for this category of licence. 2. All outstanding issues regarding the licence to be resolved and reported back to the Licensing Sub-Committee on 11 December 2015.
Item 5.1.12 - Haven Cars Ltd Second Hand Dealers License (New)	N/A	To continue consideration of the matter to 11 December 2015 to allow the Licensing Sub Committee to undertake a site visit.
Item 5.1.13 - Street Trader's Licence Applications – Tron Church Area – Festive Period 2015 - report by the Head of Service – Community Safety	Tron church (West Side)	To note that the application had been withdrawn.
Item 5.1.14, Street Trader's Licence Applications – Tron Church Area – Festive Period 2015 - report by the Head of Service – Community Safety	Tron church (Front Door Right)	To note that the application had been withdrawn.

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 5.1.15 Street Trader's Licence Applications – Tron Church Area – Festive Period 2015 - report by the Head of Service – Community Safety	Hunter Square Area at Rear of Tron Church	To note that the application had been withdrawn.
Item 5.1.16 Underbelly Limited Public Entertainment Licence - report by the Head of Service - Community Safety	Royal Mile between the City Chambers and the Tron Kirk	<ol style="list-style-type: none"> 1. To note that the objection had been withdrawn. 2. To grant the Temporary Public Entertainment Licence for the period of 30 November to 24 December 2015. 3. To note the Committee's concerns regarding the Street Trader element with the overall licence.
Item 5.1.17- Underbelly Limited Public Entertainment Licence (Temporary) - report by the Head of Service - Community Safety	5 pm – 10pm 30.11.2015 – 24.12.2015	<ol style="list-style-type: none"> 1. To grant the temporary Street Trader Licence for the period of 30 November to 24 December 2015. 2. To note the Committee's concerns regarding the Street Trader element with the overall licence.
Item 5.1.18 - Underbelly Public Entertainment Licence (Temporary) - report by the Head of Service - Community Safety	5 pm – 10pm 30.11.2015 – 24.12.2015	<ol style="list-style-type: none"> 1. To grant the temporary Street Trader Licence for the period of 30 November to 24 December 2015. 2. To note the Committee's concerns regarding the Street Trader element within the overall licence.
Item 5.1.19 Underbelly Public Entertainment Licence (Temporary) - report by the Head of Service - Community Safety	5 pm – 10pm 30.11.2015 – 24.12.2015	<ol style="list-style-type: none"> 1. To grant the temporary Street Trader Licence for the period of 30 November to 24 December 2015. 2. To note the Committee's concerns regarding the Street Trader element within the overall licence.

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 5.1.20 & 5.1.21 M & D Public Entertainment Licence Grassmarket (Temporary) - report by the Head of Service – Community Safety	10 am – 10 pm 12.11.2015 – 09.12.2015	To note the objections and to refuse the application, the site being deemed as inappropriate. (On a division)
Item 5.1.20 & 5.1.21 - M & D Public Entertainment Licence Grassmarket (Temporary) - report by the Head of Service - Community Safety	10 am – 10 pm 10.12.2015. - 04.01.2016	To note the objections and to refuse the application, the site being deemed as inappropriate. (On a division)
Item 5.1.22 & 5.1.23 - M & D Public Entertainment Licence Princes Mall (Temporary) - report by the Head of Service - Community Safety	10 am – 10 pm 12.11.2015 - 09.12.2015.	<ol style="list-style-type: none"> 1. To grant the temporary public entertainment licence subject to the standard conditions and the following conditions: 2. The licence holder must ensure that the employee nominated as the day to day manager or a suitable replacement is present during the event. The employee will have all necessary authority to ensure that the event is properly operated. The licence holder must also, at least 48 hours before the event, provide the police with the name, address, contact telephone number and email address of the said employee. 3. Signage will be displayed clearly indicating the closing time of the area. 4. There is appropriate stewarding in place to provide security and control of the licenced area and its patrons and those persons engaged in such duties are registered as door stewards with the Security Industry Authority. 5. All reasonable requests made by the police or other authorised officials to be complied with.

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
		<p>6. The funfair will close at 18.00 hrs on 31 December 2015 to allow a sweep of the area in preparation for the Hogmany Street Party. The funfair will re-open at 10.00hrs on 1 January 2016.</p>
<p>Item 5.1.22 & 5.1.23 - M & D Public Entertainment Licence Princes Mall (Temporary) - report by the Head of Service - Community Safety</p>	<p>10 am – 10 pm 10.12.2015 - 04.01.2016.</p>	<ol style="list-style-type: none"> 1. To grant the temporary public entertainment licence subject to the stand conditions and the following conditions: 2. The licence holder must ensure that the employee nominated as the day to day manager or a suitable replacement is present during the event. The employee will have all necessary authority to ensure that the event is properly operated. The licence holder must also, at least 48 hours before the event, provide the police with the name, address, contact telephone number and email address of the said employee. 3. Signage will be displayed clearly indicating the closing time of the area. 4. There is appropriate stewarding in place to provide security and control of the licenced area and its patrons and those persons engaged in such duties are registered as door stewards with the Security Industry Authority. 5. All reasonable requests made by the police or other authorised officials to be complied with. 6. The funfair will close at 18.00 hrs on 31 December 2015 to allow a sweep of the area in preparation for the Hogmany Street Party. The funfair will re-open at 10.00hrs on 1 January 2016

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 5.1.24 - 5.1.27 Street Trading - Playfair Steps - report by the Head of Service - Community Safety 5.1.24 - Kuldeep Kumar Singh	10 am – 10 pm	<ol style="list-style-type: none"> 1. To agree to use a ballot to determine the grant of one licence. 2. To agree to complete the ballot during the Licensing Sub-Committee meeting. 3. To grant the street trader licence to Kuldeep Kumar Singh as the successful applicant from the ballot, subject to the standard conditions for this category of licence.
Item 5.1.24 - 5.1.27 Street Trading - Playfair Steps - report by the Head of Service - Community Safety 5.1.25 - Rosalie Roetman	10 am – 8 pm	<ol style="list-style-type: none"> 1. To agree to use a ballot to determine the grant of one licence. 2. To agree to complete the ballot during the Licensing Sub-Committee meeting. 3. To refuse the application on the basis of paragraph 5 (3)(c)(ii) of the Civic Government Scotland Act 1982 on the grounds that the location was not suitable or convenient as there was an existing licence in place for that space.
Item 5.1.24 - 5.1.27 Street Trading - Playfair Steps - report by the Head of Service - Community Safety 5.1.26 - Jose Luis Henrnandez	10 am – 5 pm	<ol style="list-style-type: none"> 1. To agree to use a ballot to determine the grant of one licence. 2. To agree to complete the ballot during the Licensing Sub-Committee meeting. 3. To refuse the application on the basis of paragraph 5 (3)(c)(ii) of the Civic Government Scotland Act 1982 on the grounds that the location was not suitable or convenient as there was an existing licence in place for that space
Item 5.1.24 - 5.1.27 Street Trading - Playfair Steps 5.1.27 - Gerald Robert Gapinski	8 am – 6 pm	<ol style="list-style-type: none"> 1. To agree to use a ballot to determine the grant of one licence. 2. To agree to complete the ballot during the Licensing Sub-Committee meeting. 3. To refuse the application on the basis of paragraph 5 (3)(c)(ii) of the Civic

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
		Government Scotland Act 1982 on the grounds that the location was not suitable or convenient as there was an existing licence in place for that space.
Item 5.1.28 Edinburgh Markets Ltd Leith Street Market Operators Licence (Renewal) Leith Street Outside St Mary's R.C. Cathedral	9 am – 6pm Monday - Sunday	1. To grant the Market Operators Licence (Renewal), subject to the standard conditions for this category of licence for 1 year or until such time as the Acting Director of Services for Communities deems the site to be unsafe during development works around the St James Quarter. 2. To note that a variation to the operating hours would be submitted by the applicants.
Item 5.1.29 - Kuldeep Kumar Street Trader Licence (Renewal) - Rose Street Edinburgh	Standard	1. To grant the licence renewal, subject to the standard conditions for this category of licence. 2. To note that the applicant had agreed that no trading would be undertaken from the site until the variation had been submitted and agreed.
Item 5.1.30 Mark McGill Late Hours Catering Licence (New) Rose Street Edinburgh	11 pm – 5 am Daily	To grant the licence, subject to the standard conditions for this category of licence.

NOTE:

Agenda Item **5.1.20** (12.11.15 – 9.12.15) & **5.1.21** (10.12.15 – 4.1.16) – Applications for Public Entertainment Licence (Temporary) M & Ds - Grassmarket, Edinburgh Victorian Christmas Event includes Big Wheel, Carousel, Flying Carousel, Games and Food outlets

Motion

To grant the temporary public entertainment licence at the Grassmarket, Edinburgh for the period 12 November 2015 to 9 December 2015 subject to the Council's standard conditions for this category of licence, including the music being turned off at 8pm and for the hours 10 am to 9 pm daily. The temporary public entertainment licence for the period 10 December 2015 to 4 January 2016 to be granted subject to further consideration by the Acting Director of Services for Communities in consultation with the convener, and subject to the conditions above.

- Moved by Councillor Barrie seconded by Councillor Lunn

Amendment

To refuse the applications in terms of Schedule One, Paragraph 5(3)(c)(i) of the Civic Government (Scotland) Act 1982.

- Moved by Councillor Gardner, seconded by Councillor Aitken

Voting

For the motion - 3 votes

For the amendment - 4 votes

Decision

To refuse the applications (5.1.20 and 5.1.21) in terms of Schedule One, Paragraph 5(3)(c)(i) of the Civic Government (Scotland) Act 1982.

(Reference - application details submitted)