

Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 11 December 2015

Present

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

1. Minutes

Decision

To approve the minutes of the Licensing Sub-Committee of 11 and 13 November 2015 as correct records.

2. Request for Fee Waiver – Public Entertainment Licence – Edinburgh Diwali 2015

A request was received from the Lord Provost on behalf of Edinburgh Diwali 2015 for a waiver of the fee for a Public Entertainment Licence for their event on 21 November 2015.

The applicant, Mahindra Dalli, was heard.

Decision

1. To note the terms of the request.
2. To agree to waive the fee.
3. To advise the applicant to ensure that the full fee is included in the budgeted, for any future event.

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

3. Application For Taxi Booking Office Licence

Details were provided of an application by GT Get Taxi (UK) Ltd for a new booking office licence.

The applicant, Chris Elsheiki, and Legal Agent Andrew Hunter were heard.

Decision

- 1) To determine that there was sufficient reason for the police comment being submitted outwith the statutory period, and to therefore accept the representation for consideration.

- 2) To grant the licence subject to the mandatory conditions set down in Paragraph 3(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009, namely:
- (a) that a record be kept of every booking for the hire of a relevant vehicle taken at the relevant premises;
 - (b) that a record be kept of:
 - (i) the registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
 - (ii) the name of the driver at the time of that hire; and that the holder of the licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire.
- (c) a relevant vehicle results in the hire of a vehicle which is:**
- (i) a relevant vehicle; and
 - (ii) being driven by a person who holds a licence granted under section 13 of the Civic Government (Scotland) Act 1982 and that licence is in effect.

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

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

Details were provided of 17 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.)

Declaration of Interests

Councillor Barrie declared a non-financial interest in item 6.1.12 as he lived in close proximity to the application site, left the room and took no part in consideration of the matter.

Chair

The Convener (Councillor Barrie) vacated the chair for item 6.1.12 and the Vice-Convener (Councillor Blacklock) assumed the Chair. The Vice-Convener vacated the Chair for item 6.1.13 and the Convener assumed the Chair for the rest of the meeting

5. Late Hours Catering Licence – 18 – 20 West Port, Edinburgh

At its meeting on 13 November 2015 the Licensing Sub-Committee having considered representations regarding noise issues, agreed to grant a late hours catering licence subject to the standard conditions for this category of licence and that all outstanding issues

regarding the licence to be resolved and reported back to the Licensing Sub-Committee on 11 December 2015.

The Head of Housing and Regulatory Services advised that the noise issues regarding the extractor fan had been resolved.

The applicant and their legal agent were heard.

Decision

To note that all outstanding issues had been resolved to the satisfaction of the Executive, Director of Place.

(Reference – Item 5.1(11), Licensing Sub-Committee meeting 13.11.15; report by the Head of Housing and Regulatory Services, submitted)

6. 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.

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

Details were provided of one application for a miscellaneous licence.

The licence holder was heard.

Decision

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

(Reference – list of applications, submitted.)

8. Consideration of Landlord Registration Applications

Details were provided of applications for landlord registration and of current landlord registrations for determination and to therefore be entered onto the City of Edinburgh Council's Register of Landlords or to be removed from the register.

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 Regulatory Services, submitted.)

9. Request for Suspension of Late Hours Catering Licence

Details of a request by the Head of Housing and Regulatory Services for the suspension of a late hours catering licence were provided.

Decision

To suspend the licence in terms of paragraph 11(2) (d) of Schedule 1 of the Civic Government (Scotland) Act 1982 with immediate effect, until expiry.

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

APPENDIX 1

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 6.1.1 New House in Multiple Occupation Licence - 1f1 48 London Street - Craig Hawthorne	4 Occupants	<ol style="list-style-type: none"> 1. To continue consideration of the matter to the meeting of the Licensing Sub-Committee on 29 January 2016 allow the applicant to attend. 2. To advise the applicant that this was a final continuation and would be determined on 29 January 2016
Item 6.1.2 New House in Multiple Occupation Licence - Flat 7 4 Bernard Terrace - Mohammad Ali	5 Occupants	To continue consideration of the matter to 4 March 2016 to allow the work detailed in the objection to be carried out.
Item 6.1.3 Renewal of House in Multiple Occupation Licence - 1f2 25 St James Square - Polyanna Multon	4 Occupants	<p>To continue consideration of the matter to 22 April 2016 for:</p> <ol style="list-style-type: none"> 1. the Executive Director of Place to carry out a sound transmission test 2. Monitoring of the tenancy. 3. To request the owner to attend.
Item 6.1.4 - Applications for New House in Multiple Occupation Licence - 15 Craiglea Place - NHS Lothian	3 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 licence for six months for 3 occupants, subject to the Council's standard conditions for this category of licence.
Item 6.1.5 - Applications for New House in Multiple Occupation Licence - 2f1 Brougham Street - Thomas Scoular	3 Occupants	To repel the objection and grant the licence 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 6.1.6 - Applications for New House in Multiple Occupation Licence - 24 Grove Street - David Whitcroft	5 Occupants	<ol style="list-style-type: none"> 1. To note the objection had been withdrawn 2. To grant the licence subject to the Council's standard conditions for this category of licence.
Item 6.1.7 - Applications for Renewal of House in Multiple Occupation Licence - 1f1 58 Polwarth Gardens - Andrew Mackie	4 Occupants	To repel the objections and grant the licence renewal for 4 occupants, subject to the Council's standard conditions for this category of licence.
Item 6.1.8 - Applications for Renewal of House in Multiple Occupation Licence - 1f1 43 Polwarth Gardens - Alastair Proudfoot	4 Occupants	To repel the objections and grant the licence renewal for 4 occupants, subject to the Council's standard conditions for this category of licence.
Item 6.1.9 - Applications for Renewal of House in Multiple Occupation Licence - 3f1 3 Craighouse park - Jon Anderson	3 Occupants	To continue consideration of the matter to 29 January 2016 to allow the applicant to attend.
Item 6.1.10 - Applications for Renewal of House in Multiple Occupation Licence - 3f1 28 Dublin Street - Christopher Hunter	4 Occupants	<ol style="list-style-type: none"> 1. To continue consideration of the matter to 29 January 2016 at the request of the objector 2. PRST to contact the objector to check if the complaint had been resolved
Item 6.1.11 - Applications for Renewal of House in Multiple Occupation Licence - 2f2 20 Royal Crescent - John and Linda Russell	3 Occupants	<ol style="list-style-type: none"> 1. To repel the objection and grant the licence renewal subject to the council's standard conditions for this category of licence. 2. To monitor the tenancy for six months
Item 6.1.12 - Applications for New Late Hours Catering Licence - Gilmerton Road - William Morrisons Supermarkets PLC	2300 -0000 Mon – Sun	<p>To repel the objections and to grant the licence subject to the standard conditions for this category of licence.</p> <p>Note: Councillor Blacklock chaired this item</p>

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 6.1.13 - Applications for Renewal of Late Hours Catering Licence - 80 - 72 Grassmarket - Raheela Javid	23.00 – 02.00 Sun-Thur 23.00 – 03.00 Fri - Sat	<ol style="list-style-type: none"> 1. To accept the late objection as reasons had been provided. 2. To continue consideration of the matter to the meeting of the Licensing Sub Committee on 29 January 2016, to allow the site notice to be displayed for the full statutory period of 21 days.
Item 6.1.14 - Application for Street Trader Licence (New) - George Square - Bankrugg Enterprises	George Square (North West Corner, between no 16 and 17) Edinburgh	<ol style="list-style-type: none"> 1. To repel the objections and to grant the licence, subject to the Council's standard conditions for this category of licence. 2. To delete standard condition 10 requiring neighbour consent before trading commences
Item 6.1.15 - Applications for Renewal of Street Trader Licence - Greenside Place Peter Barr	Greenside Place, Edinburgh	<ol style="list-style-type: none"> 1. To note the objection had been withdrawn 2. To grant the licence subject to the Council's standard conditions for this category of licence.
Item 6.1.16 - Applications for Renewal of Street Trader Licence - Stance 4 Castle Street - Susan Wilson	9.00 am – 8.00 pm Daily	To continue consideration of the matter to the meeting of the Licensing Sub Committee on 29 January 2016, to allow the neighbourhood manager to have discussions with the applicant to try to resolve the objection

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 6.1.17 - Applications for New Second Hand Dealer Licence - 144 Newhaven Road - Haven Cars	By appointment only 10.00am – 7.00pm Mon - Sun	<ol style="list-style-type: none"> 1. To note that a site visit had been undertaken on 2 December 2015. 2. To repel the objections and to grant the licence for subject to <ol style="list-style-type: none"> (i) The Council's standard conditions for this category of licence. (ii) A maximum of eight cars for sale to be kept at the premises (iii) No signage for the business to be displayed at the premises. (iv) All business to be carried out by clientele making appointments by telephone only, and a log of appointments to be kept and made available for inspection by authorised officers on request. (v) All customers to park on the premises. (vi) The hours of operation to be 0900 – 1900. (vii) The applicant to seek clarification on any other consents required from any other statutory authority