

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday 27 January 2016

Present

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

1. Applications for Grant of Taxi Licences

The Licensing Sub-Committee considered a report by the Head of Housing and Regulatory Services in respect of applications for new taxi vehicle licences submitted by Dane James McDiarmid and Steven Patrick McDermott.

The Head of Housing and Regulatory Services advised that CEC had a Limitation Policy which had been approved by the Regulatory Committee in 2007 and limited the number of taxi vehicle licences to 1,316, currently these licences were all in use. Regular surveys were carried out in order to determine if there was any significant demand for taxis which was unmet. Neither the last full demand survey, which was reported to the Regulatory Committee in May 2013, nor the last interim survey, which was reported to the Regulatory Committee in September 2015, provided evidence of any significant unmet demand.

In the absence of any significant unmet demand, there were therefore no licences available and in line with the current limitation policy, unless the Licensing Sub-Committee had been satisfied that the applicants had demonstrated that they should be considered an exemption to that policy, the applications should be refused.

The Licensing Sub-Committee heard from Jonny Nisbet, Dane McDiarmid's legal representative who advised that his client's application had been lodged on 3 August 2015 and that the Licensing Sub-Committee had granted two taxi vehicle licenses at its meeting on 7 October 2015. The report to the Sub-Committee at that time had indicated that only one licence was available and he was of the opinion that 1,317 taxi licenses had now been granted, and as the Council had already breached its limitation policy another licence could now be issued. He indicated that there was no dispute in regard to the surveys of demand that had been carried out and that he was not arguing that there was any significant unmet demand.

The Head of Housing and Regulatory Services advised that the report submitted to the meeting of the Licensing Sub-Committee on 7 October 2015 advised that only one taxi licence was available for issue, however subsequent to the issue of the agenda another plate had become available which allowed two licences to be granted, and that the number of licences issued by the authority remained at 1,316.

The Convener advised that having regard to this information it was likely that the Licensing Sub-Committee would refuse the application.

The Sub-Committee agreed at this stage to intimate that it was probable that the application would be refused, but to hear the second application and to make a final decision on both applications when all matters relating to this item had been considered.

The Sub-Committee heard from Steven McDermott who advised that he had examined the licensing register and had calculated that there were four taxi licences available for issue and that the numbers in the report by the Head of Housing and Regulatory Services were incorrect.

At this point in the proceedings the Sub-Committee requested advice from the Clerk in regard to the Council's Standing Orders, and having considered the advice given agreed to move to a decision in respect of this agenda item.

Decision

1. To note Steven McDermott's assertion that the taxi vehicle licence numbers in the report by the Head of Housing and Regulatory Services of 27 January 2016 were incorrect
2. To adjourn the meeting to allow the Head of Housing and Regulatory Services to verify the information on taxi vehicle licence in the report.
3. To reconvene this meeting of the Licensing Sub-Committee to continue to consider this item on Monday 1 February 2016 at 2.45 pm, or at the conclusion of the Regulatory Committee.

(Reference – report by the Head of Housing and Regulatory Services, 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, 6, 12, 13 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

The Convener ruled that an additional three reports requesting suspension of licences from the Chief Constable, notice of which had been given at the beginning of the meeting, be considered as a matter of urgency due to the nature of the complaints to allow them to be considered at this meeting.

The Head of Housing and Regulatory Services, advised the Licensing 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 seven 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 Housing and Regulatory Services, submitted).

5. Suspension Taxi Driver's Licence

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.

The Head of Housing and Regulatory Services, advised the Sub-Committee of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 3.1 to suspend a taxi driver's licence on 6 January 2016 with immediate effect.

The Head of Housing and Regulatory Services requested the continuation of the suspension.

The licence holder's legal representative was heard.

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 Head of Housing and Regulatory Services, submitted)

Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 29 January 2016

Present

Councillor Barrie (Convener), Aitken, Corbett (substituting for Councillor Burgess) Donaldson (substituting for Blacklock), Gardner, Heslop, Lunn and Redpath.

1. Minutes

Decision

To approve the minutes of the Licensing Sub-Committee of 9 and 11 December 2015 and 18 January 2016 as correct records.

2. Proposed 'UK Veterans – One Voice' March – 20 February 2016

Details were provided of a proposed march by 'UK Veterans – One Voice' to take place on 20 February 2016.

Karen Holmes was heard on behalf of the applicant.

Decision

To make an order in respect of the proposed 'UK Veterans – One Voice' March on Saturday 20 February 2016, subject to the following conditions:

- 1) The event would begin at 12.00 noon and conclude at 2.00 pm.
- 2) The procession would adhere to the route: Johnson Terrace, Lawnmarket, High Street, finishing at the pedestrianised area in the High Street.
- 3) The procession would at all times continue moving and no part would stop except for emergency purposes, on the direction of, or with agreement of the police/council officer.
- 4) After the procession concludes, participants would disperse at the specified time as above.
- 5) Officials are appointed to liaise with the police / Council officer and shall identify themselves to the police officer / council officer in charge at the assembly point before the commencement of the parade/procession.
- 6) Sufficient stewards and marshals shall be provided by the organiser of the parade/procession. Stewards and marshals will be readily identifiable and shall be present throughout to supervise the parade/procession and to ensure that all participants comply with directions.

- 7) A sufficient number of suitably trained medical personnel should be in attendance. The level of attendance is to be agreed with the Council.
- 8) Unless prior agreement, all persons participating in the parade/procession shall not walk more than six and not less than four abreast.
- 9) The terms of the Public Order Act 1936 in relation to the prohibition of the wearing of uniforms signifying any association with any banned organisation etc shall be observed.
- 10) Unless by prior agreement, the use of any staves, wooden poles or any other item shall not be used to display or carry banners, placards, flags or posters.
- 11) Banners, placards, flags and posters bearing inflammatory images or words will not be displayed.
- 12) The conditions of Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers shall be observed.
- 13) The conditions of the Environmental Protection Act 1990 shall be observed insofar as making noise during the parade/procession is concerned.
- 14) The organiser would assist the police/council officers in ensuring that regular and appropriate passage across the parade/procession is allowed for traffic/pedestrians.
- 15) Any band or bands taking part in a parade/procession would cease playing when approaching and passing any place of worship or any other location where a recognised religious, cultural or legal ceremony is taking place.
- 16) No vehicles or animals would be part of the procession unless by approval of Police Scotland and City of Edinburgh Council prior to the day of the event.
- 17) Any instruction given by the Police or council officers are immediately complied with.

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

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

Details were provided of 23 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

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.

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

Details were provided of three applications for miscellaneous licences.

The applicants/agents and objectors were heard.

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

Details were provided of three applications for landlord registrations 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 applications 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.)

7. House in Multiple Occupation Licence Application

Details of a period of monitoring of the tenancy management and occupancy levels of a house in multiple occupation were provided, as instructed by the Licensing Sub-Committee of the Regulatory Committee at its meeting on 19 June 2015.

Decision

To note the report.

(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 HMO New 1F1, 48 London Street	4 Occupants	<ol style="list-style-type: none"> 1. To accept the late objection. 2. To repel the objection and to grant the licence subject to the Council's standard conditions for this category of licence.
Item 6.1.2 HMO New 1F2, 172 Brunstsfield Place	3 Occupants	<ol style="list-style-type: none"> 1. To note the objection had been withdrawn. 2. To grant the licence for 3 occupants, subject to the conditions for this category of licence.
Item 6.1.3 HMO (New) Flat 4, 2 East Suffolk Road	4 Occupants	To repel the objection and to grant the licence subject to the Council's standard conditions for this category of licences.
Item 6.1.4 HMO (New) 5 West Scotland Street Lane	5 Occupants	To continue the application to 4 March 2016 to allow the applicant to attend.
Item 6.1.5 HMO Renewal 1F1, 64 Polwarth Gardens	4 Occupants	<ol style="list-style-type: none"> 1. To accept the late objection. 2. To repel the objection and to grant the licence subject to the Councils standard conditions for this category of licence.
Item 6.1.6 HMO Renewal 3F1, 43 Polwarth Gardens	8 Occupants	To continue the application to 4 March 2016 at the request of the agent.
Item 6.1.7 HMO Renewal 3F2, 43 Polwarth Gard	6 Occupants	To repel the objection and to grant the licence subject to the Councils standard conditions for this category of licence.
Item 6.1.8 HMO Renewal 3F1, 28 Dublin Street	4 Occupants	<ol style="list-style-type: none"> 1. To note the objection has been withdrawn. 2. To grant the licence subject to the Council's Standard Conditions for this category of licence.

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 6.1.9 HMO Renewal 3F1, 3 Craighouse Park	3 Occupants	To continue application to 4 March 2016 to allow the applicant to attend.
Item 6.1.10 HMO Renewal 1F2, 5a Hutchison Terrace	5 Occupants	To repel the objection and to grant the licence subject to the Councils standard conditions for this category of licence.
Item 6.1.11 HMO Renewal 2F2, 52 Polwarth Gardens	5 Occupants	To repel the objection and to grant the licence subject to the Councils standard conditions for this category of licence.
Item 6.1.12 HMO Renewal 2F1, 71 Comiston Road	3 Occupants	To repel the objection and to grant the licence subject to the Councils standard conditions for this category of licence and that officers will conduct a noise test to the satisfaction of the Noise Abatement Team.
Item 6.1.13 HMO Renewal 1F1, 18 Woodburn Terrace	5 Occupants	To continue the application to 22 April 2016 to allow the license holder to resolve anti-social behaviour of the current tenants in partnership with the Private Rented Services Team.
Item 6.1.14 HMO Renewal 2F1, 24 Cathcart Place	3 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 6.1.15 HMO Renewal 1 Upper Gilmore Place	6 Occupants	<ol style="list-style-type: none"> 1. To repel the objection and to grant the licence subject to the Councils standard conditions for this category of licence. 2. To note that tenants would receive guidance on refuse collection protocols.

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 6.1.16 Street Trader Renewal Stance 4, Castle Street Ms Susan Wilson	9.00 am – 8.00 pm Daily	To continue consideration of the application until 4 March 2016 for further information on the objections raised by Road Services, and suggested alternative locations (if possible).
Item 6.1.17 LHC Renewal Raheela Javaid 70-72 Grassmarket	Sunday – Thursday 23.00-02.00 Friday – Saturday 23.00 – 03.00	<ol style="list-style-type: none"> 1. To continue consideration of the application to 4 March 2016 for a report providing further information on other late hours catering permits within the same area. 2. Officers to investigate possibly of using CCTV as evidence of anti-social behaviour.
Item 6.1.18 Street Trader New Bernarda Krystyna Kaczorowska, Rose Street	09.00 – 20.00	To continue consideration of the application until 4 March 2016 to allow the applicant to attend, and for officers to identify suggested alternative locations (if possible).
Item 6.1.19 LHC Renewal Marmaris Grill 109 Slateford Road	Sunday – Thursday 16.00 – 24.00 Friday – Saturday 23.00 – 01.00	To repel the objection and to grant the licence subject to the Councils standard conditions for this category of licence.
Item 6.1.20 ST New German Deli, George Square	08.00 – 19.00	<p>To repel the objection and to grant the licence subject to the Councils standard conditions for this category of licence and subject to:</p> <ol style="list-style-type: none"> 1. Satisfactory food hygiene inspection. 2. Standard condition 10 being removed from the licence insofar as it relates to the requirement to obtain consent from the land owners or adjacent land owners.
Item 6.1.21 LHC Variation Mr Umberto Crolla, 87 Grassmarket	23.00 – 01.00 Monday to Sunday Festive Period (Christmas and New Year)	To note the application as invalid.

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 6.1.22 ST Renewal Jon Corrigan, The Mound Precinct	09.30 – 20.30	To continue the application until 4 March 2016 to allow for a report by the Executive Director of Place to look at options of managing a shared pitch.
Item 6.1.23 Public Entertainment Licence Forbes Fitness Scotland Ltd Unit 2 Edinburgh Quay, 133 Fountainbridge	Monday – Sunday 00.00 – 24.00	<ol style="list-style-type: none"> 1. To continue the application until 4 March 2016 to allow suitable conditions to be agreed to the satisfaction of the Executive Director of Place. 2. The applicant to provide proposed conditions to address health and safety concerns of operating the premises without any staff in attendance.

Licensing Sub-Committee of the Regulatory Committee

2.45 pm, Monday 1 February 2016

Present

Councillors Barrie (Convener), Aitken, Gardner, Heslop and Redpath.

1. Applications for Grant of Taxi Licences

The Licensing Sub-Committee at its meeting on 27 January 2016 had considered a report by the Head of Housing and Regulatory Services in respect of applications for new taxi vehicle licences submitted by Dane James McDiarmid and Steven Patrick McDermott.

At that meeting the Sub-Committee agreed

1. To note Steven McDermott's assertion that the taxi vehicle licence numbers in the report by the Head of Housing and Regulatory Services of 27 January 2016 were incorrect
2. To adjourn the meeting to allow the Head of Housing and Regulatory Services to verify the information on taxi vehicle licences in the report.
3. To reconvene this meeting of the Licensing Sub-Committee to continue to consider this item on Monday 1 February 2016 at 2.45 pm, or at the conclusion of the Regulatory Committee.

The Head of Housing and Regulatory Services advised that a further examination of the number of licences granted by the authority had been carried out and that the figure of 1,316 was correct and that there were no taxi vehicle licences available to be issued.

Decision

1. To refuse the application by Dane James McDiarmid in terms of Section 10(3) of the Civic Government (Scotland) Act 1982
2. To refuse the application by Steven Patrick McDermott in terms of Section 10(3) of the Civic Government (Scotland) Act 1982

(Reference – Licensing Sub-Committee 27 January 2016 (item1), report by the Head of Housing and Regulatory Services, submitted.)