

## Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 4 March 2016

### Present

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

### 1. Minutes

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#### Decision

To approve the minutes of the Licensing Sub-Committee of 27 and 29 January and 1 February as correct records.

### 2. Fee Refund – Market Operator’s Licence – Greater Grassmarket Business Improvement District

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A request was received from the Greater Grassmarket Business Improvement District to refund the fee paid for a Market Operator’s Licence fee.

Beth Berrie and Norrie Stewart representing the applicant, were heard.

#### Decision

1. To note the terms of the request.
2. To refuse the request on the grounds that the fee was necessary to cover Council costs.

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

### 3. Fee Refund – Street Trader Licence – On The Roll

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A request was received from On The Roll to refund part of the fee paid for a Street Traders licence.

The applicant, Lennart Bruggeman, was heard.

#### Decision

1. To note the terms of the request.
2. To refuse the request on the grounds that the fee was necessary to cover Council costs irrespective of the number of days on which trading is planned.

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

#### **4. Cinemas Act 1985 – Variation of Licensing Conditions – Havana Cultura**

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A request was received for authorisation to screen an uncertificated film as part of Havana Cultura.

The applicant, Kelly Hatton was heard.

##### **Decision**

- 1) To note the report.
- 2) To grant permission to allow the uncertificated film 'Havana Club Rumba Sessions: La Clave', to be shown as part of an event at the Cameo Cinema at 38 Home Street.

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

#### **5. Proposed Parades and Processions**

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The City of Edinburgh Council had been notified of various parades and processions which were proposed to take place between March and May 2016.

##### **Decision**

To determine the notifications as detailed in Appendix 1 to this minute.

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

#### **6. Proposed 'Stand Up To Racism and Fascism' Parade and Rally – 20 March 2016**

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Details were provided of a proposed march and rally to take place on Sunday 20 March 2016.

Darren Waplington and Gordon Davie (Event Organisers) and the appropriate Council officers were heard.

##### **Decision**

To continue consideration of the matter to a meeting of the Licensing Sub-Committee on 15 March 2016 to allow further discussion.

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

##### **Declaration of Interest**

Councillor Redpath declared a non-financial interest in the above item as an active supporter of the organisation, left the room and took no part in the consideration of the item.

## **7. Proposed Apprentice Boys of Derry March – 28 May 2016**

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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 for the reason that he accepted the march organiser's argument that they had applied in good time and it was the council's or advisors to the councils error, that this application was not ready to be included on the original agenda for this date. The Convener also accepted that for organisational purposes it was to the benefit of both the applicant and the authorities that there was clarity of what was being agreed as early as was practicable.

Details were provided of a proposed march by the Apprentice Boys of Derry to take place on 28 May 2016.

### **Decision**

To make an order in respect of the Apprentice Boys of Derry on Saturday 28 May 2016. Start time 09.30 hrs to 10.00 hrs and to impose conditions:

1. The parade shall proceed in accordance with the route and times specified in the Notice of Proposal.
2. The conditions agreed by the Chief Constable shall be applied.
3. The organiser will adhere to the recommendations of the Events Planning and Operations Group.

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

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

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Details were provided of 18 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 2 to this minute.

(Reference – list of applications, submitted.)

## **8. 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, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

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

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Details were provided of 8 applications for miscellaneous licences.

The applicants and their agents 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.)

## APPENDIX 1

### Notifications of Parades and Processions

Item No/ Organisation	Date of Event	Decision
<p>Item 5.1.(1)</p> <p>NUS Scotland – Fairer Support for Scotland’s Students’</p> <p>Linda Sommerville and Rob Hawthorne in attendance</p>	<p>Wednesday 23 March 2016</p>	<p>To make an order in respect of NUS Scotland – Fairer support for Scotland’s students Parade on Wednesday 23 March 2016 – start time 12.00 to 14.30 hrs and to impose conditions that :</p> <ul style="list-style-type: none"> <li>(i) The parade shall proceed in accordance with the route and times specified in the Notice of Proposal.</li> <li>(ii) The conditions agreed by the Chief Constable shall be applied.</li> <li>(iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.</li> </ul>
<p>Item 5.1.(2)</p> <p>Yes To Scotland ‘Scottish March for a New Referendum’</p> <p>Stephen Lyall in attendance</p>	<p>Sunday 27 March 2016</p>	<p>To make an order in respect of Yes 2 Scotland ‘Scottish March for a New Referendum’ on Sunday 27 March 2016 – start time 12.00 hrs to 16.00 hrs and to impose conditions that :</p> <ul style="list-style-type: none"> <li>(i) The parade shall proceed in accordance with the route and times specified in the Notice of Proposal.</li> <li>(ii) The conditions agreed by the Chief Constable shall be applied.</li> <li>(iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.</li> </ul>

Item No/ Organisation	Date of Event	Decision
<p>Item 5.1.(3) Pedal on Parliament 2016</p> <p>No-one in attendance</p>	<p>Saturday 23 April 2016</p>	<p>1. To make an order in respect of Pedal on Parliament 2016 on Saturday 23 April 23 March 2016 – start time 12.00 to 13.30 hrs and to impose conditions that :</p> <ul style="list-style-type: none"> <li>(i) The parade shall proceed in accordance with the route and times specified in the Notice of Proposal.</li> <li>(ii) The conditions agreed by the Chief Constable shall be applied.</li> <li>(iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.</li> </ul> <p>2. To advise the applicant that a representative of the organisation should attend the meeting of the Sub-Committee when the matter is being considered to answer any questions that may arise, should no-one attend next time this matter is considered, it may result in the matter being continued to a future meeting of the Licensing Sub-Committee.</p>
<p>Item 5.1.(4) Edinburgh and Lothians May Day Parade and Rally</p> <p>Normal Gilfil in attendance</p>	<p>Saturday 7 May 2016</p>	<p>To make an order in respect of Edinburgh and Lothians May Day Parade and Rally on Sturday 7 May 2016 – start time 11.30 to 12.45 hrs to impose conditions that :</p> <ul style="list-style-type: none"> <li>(i) The parade shall proceed in accordance with the route and times specified in the Notice of Proposal.</li> <li>(ii) The conditions agreed by the Chief Constable shall be applied.</li> <li>(iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.</li> </ul>
<p>Item 5.1.(5) James Connolly Commemoration</p>	<p>4 June 2016</p>	<p>To continue consideration of the matter to the meeting of the Licensing Sub-Committee meeting on 22 April 2016 to allow the EPOG process to be undertaken.</p>

Item No/ Organisation	Date of Event	Decision
<p>Item 5.1.(6)</p> <p>Grand Orange Lodge of Scotland, District No 5</p> <p>AM Parade</p> <p>08.45 – 10.15 am</p> <p>Allan Scott and James MacLean were in attendance</p>	<p>Saturday 25 June 2016</p>	<p>To make an order in respect of the Grand Orange Lodge of Scotland, Disdtrict No 5 on Saturday 25 June 2016, start time 08.45 – 10.15 hrs and to impose conditions that:</p> <ul style="list-style-type: none"> <li>(i) The parade shall proceed in accordance with the route and times specified in the Notice of Proposal.</li> <li>(ii) The conditions agreed by the Chief Constable shall be applied.</li> <li>(iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.</li> </ul>
<p>Item 6.1.(6)</p> <p>Grand Orange Lodge of Scotland, District No 5</p> <p>PM Parade</p> <p>4.30 – 5.45 pm</p> <p>Allan Scott and James MacLean were in attendance</p>	<p>Saturday 25 June 2016</p>	<p>To make an order in respect of the Grand Orange Lodge of Scotland, Disdtrict No 5 on Saturday 25 June 2016, start time 4.30 – 5.45 pm and to impose conditions that:</p> <ul style="list-style-type: none"> <li>(i) The parade shall proceed in accordance with the route and times specified in the Notice of Proposal.</li> <li>(ii) The conditions agreed by the Chief Constable shall be applied.</li> <li>(iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.</li> </ul>
<p>Item 6.1.(7)</p> <p>Battle of The Somme Commemoration</p> <p>(John Knox District Loyal Orange Lodge No 5)</p>	<p>1 July 2016</p>	<p>To continue consideration of the matter to the meeting of the Licensing Sub-Committee on 15 March 2016 for further discussion.</p>

## APPENDIX 2

### Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 7.1.1 4 Bernard Terrace HMO New Mr Mohammad Ali	5 Occupants	<ol style="list-style-type: none"> <li>1. To accept the late objection.</li> <li>2. To repel the objection and to grant the licence subject to the Council's standard conditions for this category of licence.</li> </ol>
Item 7.1.2 3F1, 43 Polwarth Gardens HMO Renewal Mr Gilli Stephens	8 Occupants	<ol style="list-style-type: none"> <li>1. To repel the objection and to grant the licence renewal subject to the Council's standard conditions for this category of licence.</li> <li>2. The Executive Director of Place to undertake monitoring for a period of six months.</li> </ol>
Item 7.1.3 3F1, 3 Craighouse Park HMO Renewal Mr Jon Alexander	3 Occupants	To repel the objection and to grant the licence renewal subject to the Council's standard conditions for this category of licence.
Item 7.1.4 2F1, 19 Leamington Terrace HMO Renewal Mr Shamin Iqbal	5 Occupants	To repel the objection and to grant the licence renewal subject to the Council's standard conditions for this category of licence.
Item 7.1.5 11 Broughton Place HMO New Mrs Fiona McKelvie	4 Occupants	To continue consideration of the matter to a meeting of the Licensing Sub-Committee on 22 April 2016 to allow the applicant to attend.
Item 7.1.6 2F1, 58 Polwarth Gardens HMO Renewal Mr Ross Marshall & Mrs Sally Marshall	5 Occupants	<ol style="list-style-type: none"> <li>1. To accept the late objection.</li> <li>2. To repel the objection and to grant the licence renewal subject to the Council's standard conditions for this category of licence.</li> </ol>
Item 7.1.7 3 Upper Gilmore Place HMO Renewal Ms Clare Marshall	3 Occupants	<ol style="list-style-type: none"> <li>1. To repel the objection and to grant the licence renewal subject to the Council's standard conditions for this category of licence.</li> <li>2. To note the objection by Nicky Shalcross had been withdrawn.</li> </ol>



Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 7.1.8 3F2, 3 Upper Gilmore Place HMO Renewal Mr Edwin Gordon	5 Occupants	<ol style="list-style-type: none"> <li>1. To repel the objection and to grant the licence renewal subject to the Council's standard conditions for this category of licence.</li> <li>2. To note the objection by Nicky Shalcross had been withdrawn.</li> </ol>
Item 7.1.9 5 Upper Gilmore Place HMO Renewal Eagle Group Investments Ltd per William K Walker	7 Occupants	<ol style="list-style-type: none"> <li>1. To repel the objection and to grant the licence renewal subject to the Council's standard conditions for this category of licence.</li> <li>2. To note the objection by Nicky Shalcross had been withdrawn.</li> </ol>
Item 7.1.10 1F2, 8 Maxwell Street HMO Renewal Mr Gavin Kidd	5 Occupants	To continue consideration of the matter to the meeting of the Licensing Sub-Committee of 22 April 2016 to allow the agent to discuss with the owner, the reconfiguration of the living accommodation in the property and a reduction in the numbers to 4.
Item 7.1.11 1F, 95 Shandwick Place HMO Renewal Mr Timothy Bullock & Ms Pascale Betha Henri Van De Putte	5 Occupants	To repel the objection and to grant the licence renewal subject to the Council's standard conditions for this category of licence.
Item 7.1.12 Castle Street, Street Trader, Susan Wilson	9.00 am – 8.00 pm daily	<ol style="list-style-type: none"> <li>1. To grant the licence renewal subject to the Council's standard conditions for this category of licence and subject also to:</li> <li>2. The vehicle not obstructing the roadway or the signage for the pedestrian area.</li> <li>3. The doors of the vehicle which purchases are made only opening on to the pedestrian area.</li> <li>4. To review the operation of the licence in one year.</li> </ol>

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 7.1.13 70-72 Grassmarket LHC Renewal, Raheela Javaid	Sun – Thur 23.00 – 02.00 Fri – Sat 23.00 – 03.00	To repel the objections and to grant the licence renewal, subject to the council's standard conditions for this category of licence.
Item 7.1.14 Rose Street, Street Trader New, Bernarda Kaczorowska	Rose Street	To grant the licence subject to the Council's standard conditions for this category of licence.
Item 7.1.15 The Mound, ST Renewal John Corrigan	09.30 – 20.30	<ol style="list-style-type: none"> <li>1. To repel the objection and to continue consideration of the matter and direct that the Executive Director of Place grant the licence renewal subject to the Council's standard conditions for this category of licence and subject to an additional condition clarifying the trading dates between which the applicants will operate provided that the final working of the additional condition is determined by the Executive Director of Place and agreed with the applicant before 15 March 2016.</li> <li>2. If there is no agreement on the wording of the additional condition the matter to be brought to the meeting of the Licensing Sub-Committee on 15 March 2016.</li> </ol>
Item 7.1.16 Forbes Fitness Public Entertainment New  (On a Division)	24 hrs daily	<p>To grant the licence subject to the Council's standard conditions for this category of licence. Standard condition 1 to be amended to read:</p> <p>The Licensee or manager shall be responsible for the day to day running of the premises.</p>
Item 7.1.17 Castle Street, ST Renewal Gentleman Jacks	08.00 – 23.00 daily	To continue consideration of the matter to the Licensing Sub-Committee on 22 April 2016 for further discussions on the type of vehicle that is permitted in this area of Castle Street.
Item 7.1.18 City Centre, Window Cleaner New Gerard Cawley	City Centre	To refuse the application in terms of paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982.

## **NOTE**

### **Item 7.1(16)**

#### Motion

To grant the licence subject to the Council's standard conditions for this category of licence, and that standard condition one be amended to read 'The Licensee or Manager shall be responsible for the day to day running of the premises'.

Moved by Councillor Barrie, Seconded by Councillor Blacklock

#### Amendment

To grant the licence subject to the council's standard conditions for this category of licence and to note that the premises would be staffed 24 hours or when open.

Moved by Councilor Lunn, Seconded by Councilor Aitken

#### Voting

For the motion	4 votes
For the amendment	3 votes

#### Decision

To grant the licence subject to the Council's standard conditions for this category of licence, and that standard condition one be amended to read 'The Licensee or Manager shall be responsible for the day to day running of the premises'.