

Notice of Meeting and Agenda

Licensing Sub-Committee of the Regulatory Committee

10.00am Friday 7 October 2016

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

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1. Order of business

The Clerk to the meeting will advise the members of any changes to the business to be considered, or of any urgent matters that require consideration at this meeting.

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 None

4. Fee Refund Request

- 4.1 Request for Fee Refund – Market Operator’s Licence – Edinburgh Vegan Festival – report by the Head of Housing and Regulatory Services (circulated)

5. House In Multiple Occupation Licensing

- 5.1 Application for House In Multiple Occupation Licence New – 89 Corstorphine Road, Edinburgh – application details (circulated)

6. Private Hire Vehicle Licensing

- 6.1 Applications for New Private Hire Car Licences - report by the Head of Housing and Regulatory Services (circulated)

Kirsty-Louise Campbell

Interim Head of Strategy and Insight

Committee Members

Councillors Bridgman (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Doran, Heslop, Lunn and Redpath.

Information about the Licensing Sub-Committee

The Licensing Sub-Committee consists of 9 Councillors and usually meets twice a month.

The Licensing Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton or Aileen McGregor, Committee Services, Strategy and Insight, Chief Executive, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street Edinburgh, EH8 8BG; ☎ 0131 529 4261/ 529 4325, email stephen.broughton@edinburgh.gov.uk / aileen.mcgregor@edinburgh.gov.uk .

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh. The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

The views expressed in any letters of representation are not necessarily the views of the City of Edinburgh Council.

For remaining items of business likely to be considered in private, see separate agenda.

Licensing Sub-Committee of the Regulatory Committee

10.00am, Friday, 7 October 2016

Request for Fee Refund – Market Operator’s Licence – Edinburgh Vegan Festival

Item number	4.1
Report number	
Executive/routine	
Wards	

Executive Summary

The Council has received a request on behalf of Edinburgh Vegan Festival to agree to a refund of the application fee paid for a Market Operator’s Licence for the event which took place on 20-21 August 2016.

Links

Coalition Pledges	P15, P28 and P31
Council Priorities	CP6
Single Outcome Agreement	SO1 and SO3

Request for Fee Refund – Market Operator’s Licence – Edinburgh Vegan Festival

1. Recommendations

The Committee is asked to:

- 1.1 note the terms of the request; and
- 1.2 refuse the refund request.

2. Background

- 2.1 The organiser of the Edinburgh Vegan Festival 2016, has requested that the application fee paid for the Market Operator’s Licence should be refunded. The event took place on 20-21 August 2016.
- 2.2 The Council agreed to amend the fees charged for licence applications with effect from 1 April 2016.

3. Main report

- 3.1 The organiser of Edinburgh Vegan Festival 2016 has submitted a written request seeking a refund of the fee paid for a Market Operator’s Licence for the 2016 event. A copy of the application form is attached at Appendix 1, and a copy of the relevant correspondence is attached to this report at Appendix 2.
- 3.2 The fee structure for 2016/2017 was agreed by the Council in February 2016. Members will recall that previous reports highlighted that not all licence fee costs were being recovered, and agreed the recommended changes to the fee structure.
- 3.3 The fee paid for a Market Operator’s licence was £1000. This is the applicable fee for a licence for temporary indoor markets in Ward 11 which operate less than once per calendar month.
- 3.4 A fee refund is sought by the organiser of the event. A letter is attached (Appendix 2) explaining the reasons for the request.
- 3.5 The Committee will want to note that this event was permitted a reduced fee regarding the 2015 event, and the organiser was advised at that time that any future events should budget for the full fee (Appendix 3).

- 3.6 The Council incurs significant costs in dealing with issues arising from licensed events in the city centre area. These costs are required to be directly recovered from licence fees.
- 3.7 A representative of the Edinburgh Vegan Festival will be invited to address the Committee on the request for the fee refund.

4. Measures of success

- 4.1 The event is licensed in a proportionate and effective manner.

5. Financial impact

- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2016. Any refund would be required to be absorbed by the Civic Government (Scotland) Act 1982 licensing budget for 2016/17 or alternatively using wider Council budgets.
- 5.2 In 2016/2017, discounts of £42,262 have so far been granted by the Committee.

6. Risk, policy, compliance and governance impact

- 6.1 The fee structure was agreed by the Council in January 2016. Any refund risks setting a precedent, however the Committee has discretion in this matter.

7. Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report.

8. Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

- 9.1 Representatives of the event have been in dialogue with Council officers.

10. Background reading/external references

- 10.1 None

Susan Mooney

Head of Housing and Regulatory Services

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11. Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors.
Council priorities	CP6 A creative, cultural capital
Single Outcome Agreement	SO1 Edinburgh's Economy delivers increased investment, jobs and opportunities for all.
Appendices	Appendix 1 : Application form Appendix 2: Letter from Louise Pinchen received on 16 September 2016 Appendix 3: Letter from Licensing Service dated 18 August 2015

LICENSING REF NO: 324995

ITEM NO

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HMO
NEW

APPLICANT DETAILS:	NAME	Ms Nahid Akram
	AGENT	
	LODGING AGENT	
PREMISES ADDRESS		89 Corstorphine Road, Edinburgh, EH12 5QE
CONDITIONS APPLIED FOR		Maximum Occupants - 11
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		SATISFACTORY
REPRESENTATIONS RECEIVED		See Attached List
DETERMINATION DATE		21 March 2017
RENEWAL DATE		31 July 2017
NOTES: There are 79 objectors.		

LIST OF OBJECTORS - 79

Ms Sonia Fernandez	Dr Gavin Miller	Mr & Mrs Hamilton
Mrs Lorraine Munro	Mr & Mrs Blackman	Mr P Horn
Mrs Lumsden	Mr F Campbell	Mrs K Owen
Mr & Mrs McAlister	Mr D Campbell	Mrs D Woolley
Mr T Woolley	Ms L Woolley	Cllr Balfour
Cllr Edie	Mr S Hooley	Mr & Mrs Cairns
Mrs A Gardiner	Mr M Paterson	Mr J Bryce
Mr & Mrs Williams	Ms A Dursun (Business)	Occupier
Occupier	Mr R Kennedy	Mrs I Shand
Mr N Mackie	Mr J Sword	Ms M Esgate
Ms M O'Neill	Mr & Mrs MacKenzie	Ms Barbara Scott
Dr M Barron	Mrs T Barron	C.D Hardie
Mr & Mrs Methven	Ms M McArthur	Mr & Mrs Mackay
Mrs J Brown	Ms E Meston	Ms R O'Malley
Ms L Cameron	Mr W Barclay	Mr & Mrs Blyth
Mr G Teague	Ms P Corey-Bain	Mr & Mrs Livingston
Mr J Barclay	Mrs M Barr	Mr P Hunt
Dr E. McGill	Mrs G Cui	Mr I McDowall
Mr S Near	Ms C Duncan	Mrs I Liston
Ms D Nicholson	Mr & Mrs A Forsythe	Mrs D Duff
Ms Z Patterson	Natural Way (Business)	Mr B. & Mr J. Mills
Ms L Sher	Mr J Butcher	Mr & Mrs Campbell

Licensing Sub-Committee of the Regulatory Committee

10.00am, Friday, 7 October 2016

Applications for New Private Hire Car Vehicle Licences

Item number	6.1
Report number	
Executive/routine	
Wards	

Executive Summary

The Committee is asked to consider applications for two new Private Hire Vehicle Licences which fall outwith agreed policy with respect to the construction of the vehicles.

Applications for New Private Hire Car Vehicle Licences

1. Recommendations

It is recommended that the Committee:

- 1.1 agrees to grant the licences, subject to a condition that the vehicle will only be used for contract work involving schoolchildren or Social Work clients who require wheelchairs, and will not be used as a Private Hire Car to undertake other bookings.

2. Background

- 2.1 The City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers regulate the construction of any vehicle submitted for licensing.
- 2.2 Condition 258 states "A vehicle must have at least 4 doors excluding any doors at the rear of the vehicle".
- 2.3 Condition 260 states: "The doors and doorways must be of such construction so as to permit a reasonably unrestricted access for passengers".

3. Main report

- 3.1 The City of Edinburgh Council has received applications for new Private Hire Car Licences which fall outwith agreed policy with respect to the construction of the vehicles.
- 3.2 The vehicles each have only one sliding door on the nearside, in addition to two rear door which allow wheelchair access.
- 3.3 Police Scotland has previously supported similar applications for vehicles which are used for schools contracts, however the vehicles in those cases had four doors as required by Condition 258.
- 3.4 The Taxi Examination Centre has inspected the vehicles in question. On the basis that the applicant has stated that the vehicles will be used solely for private contract work for the City of Edinburgh Council's special needs schools and social work transport, the vehicle will not carry a meter and will not convey fare paying passengers, the Taxi Examination Centre would have no objection to the granting of the licences (Appendix 3).

3.5 The applicant has been invited to attend.

4. Measures of success

4.1 Not relevant, as decisions on individual licences have to be considered on their own merits.

5. Financial impact

5.1 None.

6. Risk, policy, compliance and governance impact

6.1 The process outlined takes account of the relevant statutory provisions.

6.2 The applicant has a right of appeal against any decision made. The appeal lies to the Sheriff Court

7. Equalities impact

7.1 There is no equalities impact arising from the contents of this report.

8. Sustainability impact

8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

9.1 None

10. Background reading/external references

Susan Mooney

Head of Housing and Regulatory Services

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11. Links

Coalition Pledges	N/A
Council Priorities	N/A
Single Outcome Agreement	N/A
Appendices	Appendix 1 : Licence application forms Appendix 2 : Letters from applicant dated 12 July 2016 Appendix 3: Reports from Taxi Examination Centre