

Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 3 February 2017

Present

Councillor Bridgman (Convener), Aitken (item 6.1.8 onwards), Cairns, Gardner (substituting for Councillor Doran) (item 6.1.13 onwards), Heslop, Lunn and Redpath

1. Minutes

Decision

To approve the minute of the Licensing Sub-Committee of 13 January 2017 as a correct record.

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

Details were provided of 14 applications for miscellaneous licences.

The applicants and their agents were heard.

Decision

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

(Reference – list of applications, submitted.)

Declaration of Interests

Councillor Heslop declared a non-financial interest in agenda items 6.1.2, 6.1.3 and 6.1.4 as the agent for the applications was known to him, left the room and took no part in consideration of these items.

3. Proposed Parade: March Against Muslim Ban

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.

Details were provided of a notification for a proposed parade submitted by Celia Gonzales and is supported by the Scotland against Criminalising Communities to take place on Saturday 4 February 2017.

Richard Haley and Pat Smith (Event Organisers) and the appropriate Council officers were heard.

Decision

1. To make an order dispensing with the requirement for 28 days notice.
2. To make an order in respect of proposed March Against Muslim Ban march on Saturday 4 February 2017, Start time 11.00 pm and dispersal at 2.00 pm, to impose conditions that:
 - (i) The parade shall proceed in accordance with the route: Assemble at the Pedestrian Area of the High Street and proceed down the Royal Mile to the Scottish Parliament.
 - (ii) The conditions agreed by the Chief Constable shall be applied.
 - (iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.

(Reference - report by the Head of Housing and Regulatory Services, 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 5 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.)

6. Request to Recall Suspension: Late Hours Catering Licence

The Licensing Sub-Committee at its meeting on 13 January 2017 agreed to suspend a late hours catering licence with immediate effect under schedule 1, paragraph 11(2)(a) of the Civic Government (Scotland) Act 1982 for the unexpired portion of the duration of the licence.

A request had been received from the licence holder for the suspension to be recalled

The licence holder and his legal agent were heard.

Decision

Not to recall the suspension.

(Reference – Licensing Sub-Committee 13 January 2017 (item 8); letter of request from applicant and report by the Head of Housing and Regulatory Services, submitted)

Licensing Sub-Committee of the Regulatory Committee – 3 February 2017

APPENDIX 1

Applications for Miscellaneous Licences 'A Agenda'

Agenda Item No. Premises/Applicant	Conditions Applied For	Decision
Item 6.1.1 - Application for House In Multiple Occupation Licence Renewal – 26 Carrick Know Hill , Edinburgh EH12 7BR	5 Occupants	To repel the objection and grant the licence subject to the Council's standard conditions for this category of licence.
Item 6.1.2 - Application for House In Multiple Occupation Licence Renewal -4 (1f1) Coates Place, Edinburgh EH3 7AA	5 Occupants	To refuse the application in terms of section 130 of the Housing (Scotland Act) 2006. (On a division) See note below
Item 6.1.3 – Application for House In Multiple Occupation Licence Renewal - 4 (3f1) Coates Place, Edinburgh EH3 7AA	5 Occupants	To refuse the application in terms of section 130 of the Housing (Scotland Act) 2006. (On a division) See note below
Item 6.1.4 – Application for House In Multiple Occupation Licence Renewal - (1f2) Coates Place, Edinburgh EH3 7AA	5 Occupants	To refuse the application in terms of section 130 of the Housing (Scotland Act) 2006. (On a division) See note below
Item 6.1.5 – Application for House In Multiple Occupation Licence Renewal – 77 (1F2) Dublin Street, Edinburgh, EH3 6NS	4 Occupants	To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence NOTE: Councillor Redpath requested that her dissent be recorded in respect of this decision.
Item 6.1.6 – Application for House In Multiple Occupation Licence Renewal – 2 (2F) Stafford Street, Edinburgh, EH3 7BD	4 Occupants	To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence.
Item 6.1.7 – Application for House In Multiple Occupation Licence Renewal -38 (3F1) Temple Park Crescent, Edinburgh EH11 1HU	3 Occupants	To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence.

Item 6.1.8 – Application for House In Multiple Occupation Licence (Renewal) - Flat 5 131 Parkhead Drive Edinburgh EH11 4RX	4 Occupants	To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence.
Item 6.1.9 – Application for House In Multiple Occupation Licence Renewal - 14 Rochester Terrace, Edinburgh EH10 5AB	4 Occupants	To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence
Item 6.1.10 – Application for House In Multiple Occupation Licence Renewal – 63 (3F2) Merchiston Crescent Edinburgh EH10 5AQ	5 Occupants	<ol style="list-style-type: none"> 1. To accept the objections submitted outwith the statutory period. 2. To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence 3. To note the applicant's agents' undertaking to treat the property as a sensitive let 4. To note the applicant's agents' undertaking to have the extractor fan in the bathroom inspected.
Item 6.1.11 – Application for House in Multiple Occupation (Renewal) – 9 Roseburn Drive (2F2) Edinburgh EH12 5NR	4 Occupants	<ol style="list-style-type: none"> 1. To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence 2. To note the applicant's agents' undertaking to treat the property as a sensitive let
Item 6.1.12 – Application for Application for Late Hours Catering (Renewal) –70-72 Grassmarket Edinburgh EH1 2JR	One Year 14.11.16 – 13.11.17 11pm – 5 am	To repel the objections and renew the licence subject to the Council's standard conditions for this category of licence and additional conditions that : <ol style="list-style-type: none"> (i) Hot food only to be sold during policy hours Monday to Thursday 2300 – 0200, Friday and Saturday 2300 – 0300. (ii) All amplified music and vocals shall be controlled to the satisfaction of the Executive Director of Place.
Item 6.1.13 – Application for Public Entertainment Licence (Temporary)– Keasim Limited Roof of Waverley Shopping Centre, Waverley Mall, 3 Princes Street Edinburgh	Event from: 3 February – 2 March 2017 Hours 11.00– midnight	To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence and to addition conditions that : <ol style="list-style-type: none"> 1. All amplified music and vocals to be controlled to the satisfaction of the Director of Place.

<p>Manager: Mr Simon Keane</p>	<p>Max Capacity 200</p> <p>To provide for the sale of alcohol from outlets shown on the layout plan to be provided – in conjunction with an event involving live music situated in this location, plus two food outlets.</p>	<ol style="list-style-type: none"> 2. All amplified music and vocals to be so controlled as to be inaudible within the nearest noise-sensitive premises after 23.00 hours. 3. Appropriate steps will be taken to monitor capacity so that the numbers within are known at any given time and that the capacity does not exceed 200 persons. 4. Adequate toilet provision will be in place for the extent of licensed hours. 5. Appropriate stewarding will be in place to provide adequate control of the premises and those persons engaged in such duties are registered as door stewards with the Security Industry Authority as required under the Private Security Industry Act 2001. 6. Details of the schedule of removal of equipment being submitted to and approved by Roads Services 7. The terminal hour will be 10 pm. 8. Subject to final clearances by Council Departments, Police Scotland, and the Scottish Fire and Rescue Service. 9. To authorise the Executive Director of Place to give approval for any similar City Centre applications of a non-contentious nature.
<p>Item 6.1.14 – Application for Market Operator’s Licence (Temporary)– Keasim Limited</p> <p>Roof of Waverley Shopping Centre, Waverley Mall, 3 Princes Street Edinburgh EH2 2QR</p> <p>Manager: Mr Simon Keane</p>	<p>Event from: 3 February – 2 March 2017</p> <p>Hours 11.00–midnight</p> <p>Max Capacity 200</p> <p>To provide for the sale of alcohol from outlets shown on the layout plan to</p>	<p>To repel the objections and grant the licence renewal, subject to the Council’s standard conditions for this category of licence and to addition conditions that :</p> <ol style="list-style-type: none"> 1. All amplified music and vocals to be controlled to the satisfaction of the Director of Place. 2. All amplified music and vocals to be so controlled as to be inaudible within the nearest noise-sensitive premises after 23.00 hours. 3. Appropriate steps will be taken to monitor capacity so that the numbers within are known at any given time and that the capacity does not exceed 200 persons. 4. Adequate toilet provision will be in place for the extent of licensed hours.

	<p>be provided – in conjunction with an event involving live music situated in this location, plus two food outlets.</p>	<ol style="list-style-type: none"> 5. Appropriate stewarding will be in place to provide adequate control of the premises and those persons engaged in such duties are registered as door stewards with the Security Industry Authority as required under the Private Security Industry Act 2001. 6. Details of the schedule of removal of equipment being submitted to and approved by Roads Services. 7. The terminal hour will be 10 pm 8. Subject to final clearances by Council Departments, Police Scotland, and the Scottish Fire and Rescue Service. 9. To authorise the Executive Director of Place to give approval for any similar City Centre applications of a non-contentious nature.
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NOTES

Item 6.1.2 - House In Multiple Occupation Licence (Renewal) 4 (1f1) Coates Place, Edinburgh, EH3 7AA

Motion

1. To repel the objections and grant the licence to 23 August 2017 subject to the Council's standard conditions for this category of licence.
 2. The executive Director of Place to monitor the property for the duration of the licence
- Moved by Councillor Bridgman, seconded by Councillor Cairns

Amendment

To refuse the application in terms of section 130 of the Housing (Scotland Act) 2006.

- Moved by Councillor Redpath, Seconded by Councillor Lunn

Voting

For the motion - 2 votes
 For the amendment - 3 votes

Decision

To refuse the application in terms of section 130 of the Housing (Scotland Act) 2006.

Item 6.1.3 - House In Multiple Occupation Licence (Renewal) 4 (3f1) Coates Place, Edinburgh, EH3 7AA

Motion

1. To repel the objections and grant the licence to 23 August 2017 subject to the Council's standard conditions for this category of licence.
 2. The executive Director of Place to monitor the property for the duration of the licence
- Moved by Councillor Bridgman, seconded by Councillor Cairns

Amendment

To refuse the application in terms of section 130 of the Housing (Scotland Act) 2006.

- Moved by Councillor Redpath, Seconded by Councillor Lunn

Voting

For the Motion - 2 votes

For the Amendment - 3 votes

Decision

To refuse the application in terms of section 130 of the Housing (Scotland Act) 2006.

Item 6.1.4 - House In Multiple Occupation Licence (Renewal) 7 (1f2) Coates Place, Edinburgh, EH3 7AA

Motion

1. To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence.
2. To note the applicant's agents' undertaking to treat the property as a sensitive let.

Moved by Councillor Bridgman, seconded by Councillor Cairns

Amendment

To refuse the application in terms of section 130 of the Housing (Scotland Act) 2006.

- Moved by Councillor Redpath, Seconded by Councillor Lunn

Voting

For the Motion - 2 votes

For the Amendment - 3 votes

Decision

To refuse the application in terms of section 130 of the Housing (Scotland Act) 2006.