

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday 1 May 2018

Present

Councillors Fullerton (Convener), Barrie, Dixon, Donaldson (substituting for Councillor Arthur), Doran (substituting for Councillor Wilson), Rose, Ross and Smith.

1. Minutes

Decision

- 1) To approve the minute of the Licensing Sub-Committee of 12 March 2018 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 13 March 2018 as a correct record.

2. Proposed Parades and Processions – March-May 2018

Details were provided of notifications received for five proposed parades and processions during June to September 2018.

The Event Organisers and the appropriate Council officers were heard.

Decision

1) Apprentice Boys of Derry Street Procession

To make an order in respect of the proposed Apprentice Boys of Derry Street Procession on 2 June 2018 within the designated amended route and times imposing conditions that:

- i) The parade shall proceed in accordance with the amended route and times specified in the Notices of Proposal.
- ii) The conditions agreed by the Chief Constable, as set out in appendix 2 to the report before the Committee, shall be applied.
- ii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.

2) Orange Order Parades x2 (a.m. and p.m.)

To make an order in respect of the proposed Orange Order Parades x 2 (a.m. and p.m.) on 30 June 2018 within the designated route and times imposing conditions that:

- i) The parade shall proceed in accordance with the route and times specified in the Notices of Proposal.
- ii) The conditions agreed by the Chief Constable, as set out in appendix 2 to the report by the Regulatory Services Manager, shall be applied.
- iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.

3) James Connolly Commemoration

To make an order in respect of the proposed James Connolly Commemoration on 2 June 2018 within the designated route and times imposing conditions that:

- i) The parade shall proceed in accordance with the route and times specified in the Notices of Proposal.
- ii) The conditions agreed by the Chief Constable, as set out in appendix 2 to the report by the Regulatory Services Manager, shall be applied.
- iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.

4) 50th Anniversary Parade of County Grand Lodge of the East

To make an order in respect of the proposed 50th Anniversary Parade of County Grand Lodge of the East procession on 15 September 2018 within the designated route and times imposing conditions that:

- i) The parade shall proceed in accordance with the route and times specified in the Notices of Proposal.
- ii) The conditions agreed by the Chief Constable, as set out in appendix 2 to the report by the Regulatory Services Manager, shall be applied.
- iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.

5) Pride Scotia

To make an order in respect of the proposed Pride Scotia parade on 16 June 2018 within the designated route and times imposing conditions that:

- i) The parade shall proceed in accordance with the route and times specified in the Notices of Proposal.
- ii) The conditions agreed by the Chief Constable, as set out in appendix 2 to the report by the Regulatory Services Manager, shall be applied.
- iii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.

(Reference – report by the Regulatory Services Manager, submitted.)

3. Request for Fee Reduction – Market Operator Licence

Details were provided of a request by Bonnie Scotland Promotions Ltd for a reduction of the fee paid for a Market Operators Licence.

The applicant and the appropriate Council officers were heard.

Decision

- 1) To note the terms of the request.
- 2) To agree that an application fee of £7000 for the Market Operator Licence should apply for this year only.
- 3) To advise the applicant that they should ensure the normal licence fee was included in future budgets for the event.

(Reference – report by the Regulatory Services Manager, submitted.)

4. Request for Fee Reduction – Riding Establishment Licence

Details were provided of a request by the Tower Farm Riding Stables for a reduction of the fee paid for a Riding Establishment Licence.

The applicant and the appropriate Council officers were heard.

Motion

- 1) To note the terms of the request.
- 2) To agree that for this year an application fee of £309.50 plus vets fees for the Riding Establishment Licence should apply.
- 3) To advise the applicant that they should ensure the normal licence fee and vet fees was included in future budgets.
- 4) An update on the outcome of the procurement exercise for veterinary fees would be included in the Regulatory Committee Business Bulletin at a later date.
 - moved by Councillor Fullerton, seconded by Councillor Barrie

Amendment

- 1) To note the terms of the request.
- 2) To agree that for this year an application fee of £309.50 plus vets fees of £471.00 for the Riding Establishment Licence should apply.
- 3) To advise the applicant that they should ensure the normal licence fee and vet fees was included in future budgets.
 - moved by Councillor Ross, seconded by Councillor Rose

Voting

For the motion - 5 votes

For the amendment - 2 votes

(For the motion – Councillors Barrie, Dixon, Doran, Donaldson and Fullerton.

For the amendment – Councillors Ross and Rose.)

Decision

To approve the motion by Councillor Fullerton.

(Reference – report by the Regulatory Services Manager, submitted.)

Declaration of interest

Councillor Smith declared a non-financial interest in the above as she had been involved in the case as a ward Councillor prior to the committee meeting, withdrew from discussion and took no part in the decision.

5. Request for Fee Refund – Public Entertainment Licences

Details were provided of a request by Hidden Door for a refund of the fees paid for a Public Entertainment Licences.

The applicant and the appropriate Council officers were heard.

Decision

- 1) To note the terms of the request.
- 2) To refuse the request for a fee refund.

(Reference – report by the Regulatory Services Manager, submitted.)

6. Request for Fee Refund – Market Operator Licences

Details were provided of a requests by Juniper Green Craft Fair and Balerno Fairtrade Event for a refund of the fees paid for Market Operator Licences.

The applicants and the appropriate Council officers were heard.

Motion

- 1) To note the terms of the request.
- 2) To refuse the request for a fee refund.
 - moved by Councillor Fullerton, seconded by Councillor Donaldson

Amendment

- 1) To note the terms of the request.
- 2) To refund the fees paid.
 - moved by Councillor Ross, seconded by Councillor Smith

Voting

For the motion - 4 votes

For the amendment - 3 votes

(For the motion – Councillors Barrie, Donaldson, Rose and Fullerton.

For the amendment – Councillors Dixon, Ross and Smith.)

Decision

To approve the motion by Councillor Fullerton.

(Reference – report by the Regulatory Services Manager, submitted.)

7. Best Kebab House – Six Monthly Update

At its meeting on 18 September 2017 the Licensing Sub-Committee granted a Late Hours Catering Licence to Best Kebab House at 256 Leith Walk subject to the Council's standard conditions and that the waste management of the premises be monitored for six months with a report being submitted to the Sub-Committee at the end of that period.,

The Regulatory Services Manager advised that that there were no recorded non-compliances during the monitoring period, and the Waste and Cleansing officers did not intend any further monitoring other than ad hoc checks.

Decision

To note the report

(Reference – Licensing Sub-Committee 18 September 2017 (item 5); report by the Regulatory Services Manager, submitted.)

8. Caravan Licence – Social Bite

Details were provided of an application for a Caravan Licence by Social Bite at West Shore Road Edinburgh.

The applicant and the appropriate Council officers were heard.

Decision

To grant the licence subject to final inspection and clearance and subject to the Council's standard conditions for this category of licence.

(Reference – report by the Regulatory Services Manager, submitted.)

Declaration of interest

Councillor Barrie declared a non-financial interest in the above item as the former Chair of EDI Ltd which donated the land to which the application refers.

9. Cinemas Act 1985 – Variation of Licensing Conditions – Edinburgh International Film Festival 2018

A request was received for authorisation to screen uncertificated films during the Edinburgh International Film Festival 2018.

The applicant and the appropriate Council officers were heard.

Decision

To grant permission to allow specific uncertificated films, from the list of titles circulated, to be shown as part of the 2018 event between 20 June and 1 July at the venues listed in appendix 2 of the report by the Regulatory Services Manager.

(Reference – report by the Regulatory Services Manager, submitted.)

10. Cinemas Act 1985 –Variation of Licensing Conditions – Cameo Picture House, 38 Home St, 6-7 May 2018

A request was received for authorisation to screen uncertificated films at the Cameo Picture house, 38 Home Street on 6 and 7 May 2018

The applicant and the appropriate Council officers were heard.

Decision

To grant permission to allow specific uncertificated films, from the list of titles circulated, to be shown on 6 and 7 May 2018 at the Cameo Picture House.

(Reference – report by the Regulatory Services Manager, submitted.)

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

Details were provided of 18 applications for miscellaneous licences. The applicants and their agents were heard.

Decision

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

Declaration of interest

Councillor Dixon declared a non-financial interest in item 7.1.1 as he had previously been involved in the application as a ward councillor, withdrew from discussion and took no part in the decision.

(Reference – list of applications, submitted)

12. Application for Late Hours Catering Licence – Concorde Fish Bar

Details were provided of an application for a Late Hours Catering Licence, Monday to Sunday 11.00 pm to 12 Midnight at the Concorde Fish Bar, 49 Home Street, Edinburgh

The applicant, his legal agent and a representative of an objectors were heard.

Decision

1. To grant the licence for six months subject to the Council's standard conditions for this category of licence.
2. The applicant undertakes to make available on request from the Council or the Chief Constable CCTV footage and alarm activation records.

(Reference – Licensing Sub-Committees of 6 February 2018 (item 6) and 13 March 2018 (item 6); report by the Regulatory Services Manager, submitted)

13. 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 and 14 of Part 1 of Schedule 7(A) of the Act.

14. Application for Renewal of Taxi Driver's Licence

The Regulatory Committee agreed at its meeting on 6 February 2018 to revise the Council's policy on Criminal Records Checks. This policy stated that renewal applications from applicants who had previously resided in countries which were unable to provide criminal record information would be processed and referred to the Committee for consideration.

The Sub-Committee was asked to consider an application for the renewal of a Private Hire Driver's Licence under these circumstances.

The licence holder, the Chief Constable and the appropriate Council officers were heard.

Decision

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

(Reference – report by the Regulatory Services Manager, submitted)

15. Request for Recall of Suspension of Private Hire Car Driver's Licence

The Sub-Committee previously agreed to suspend a Private Hire Car Driver's Licence. A request from the licence holder to recall the suspension had been received.

The licence holder, the Chief Constable and the appropriate Council officers were heard.

Decision

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

(Reference – report by the Regulatory Services Manager, submitted.)

16. Request for Recall of Suspension of Private Hire Car Driver's Licence

The Sub-Committee previously agreed to suspend a Private Hire Car Driver's Licence. A request from the licence holder to recall the suspension had been received.

The licence holder, the Chief Constable and the appropriate Council officers were heard.

Decision

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

(Reference – report by the Regulatory Services Manager, submitted.)

17. Suspension of Taxi Driver's Licence

The Executive Director of Place, in consultation with the Convener of the Regulatory Committee, in accordance with Committee Terms of Reference and Delegated Functions 4.1 had suspended a Taxi Driver's licence with immediate effect from 3 April 2018 under Schedule 1 Paragraph 12 of the Civic Government (Scotland) Act 1982.

The Sub-Committee at its meeting on 23 April 2018 had continued consideration of the matter to allow the applicants legal agent to submit further information.

The Sub-Committee were asked to consider what further action, if any, was required. The Chief Constable had submitted a report requesting that the licence be either revoked or suspended in terms of Schedule 1 Paragraph 11(1) of the Civic Government (Scotland) Act 1982.

The licence holder, his legal agent and the appropriate Council officers were heard.

Decision

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

(Reference – report by the Regulatory Services Manager, submitted)

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

Details were provided of 1 application for a miscellaneous licence.

The applicant and their agent 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.)

APPENDIX 1

Applications for Miscellaneous Licences

Agenda Item No.	Applicant/Premises	Conditions Applied For	Decision
House in Multiple Occupation Application (Renewal)			
7.1.1	1F2, 16 Grove Street, Edinburgh Eric Gardiner Agent: Mr David Rowand, Cairn Letting	4 occupants	To repel the public objections and grant the licence for six months subject to the Council's standard conditions for this category of licence and subject also to monitoring by the Executive Director of Place. (On a division) See note 1 below.
7.1.2	Flat 8, 19 Harden Place, Edinburgh John and Donal Higgins Agent: Natasha Bonello, Southside Property Management	4 occupants	To repel the public objections and grant the licence subject to the Council's standard conditions for this category of licence.
7.1.3	Flat 14, 19 High Riggs, Edinburgh Ambika Bagaria Agent: Kenneth Robb, Robb Residential	3 occupants	<ol style="list-style-type: none"> 1. To agree to hear the late objection 2. To repel the public objections and grant the licence for one year subject to the Council's standard conditions for this category of licence and subject also to monitoring by the Executive Director of Place.
7.1.4	2F1, 46 Lochrin Buildings, Edinburgh Susan and Hugh Duff Agent: Colette Grant, Grant Property Solutions Ltd	4 occupants	To repel the public objections and grant the licence subject to the Council's standard conditions for this category of licence.

Agenda Item No.	Applicant/Premises	Conditions Applied For	Decision
7.1.5	1F1, 9 Melville Terrace, Edinburgh Matthew Blair Agent: Alan Nash, Ace Property Management Ltd	5 occupants	<ol style="list-style-type: none"> 1. To agree to hear the late objections 2. To continue consideration of the application to the meeting of the Sub-Committee on 24th July 2018 for the Regulatory Services Manager to carry out an investigation and submit a report on the Tenancy Management Procedures for the property.
7.1.7	1F1, 80 Montpelier Park, Edinburgh James Donaldson	3 occupants	To repel the public objections and grant the licence subject to the Council's standard conditions for this category of licence.
7.1.8	2F1, 86 Montpelier Park, Edinburgh Gwendolyn Campbell Agent: Brian Morgan, HMO Scotland Ltd	4 occupants	To repel the public objections and grant the licence subject to the Council's standard conditions for this category of licence.
House in Multiple Occupation Application (New)			
7.1.9	2F, 29 Buckingham Terrace, Edinburgh Rosemary Sutcliffe Agent: Dietrich Zank, The Flat Company Ltd	6 occupants	To repel the public objections and grant the licence for one year subject to the Council's standard conditions for this category of licence.
7.1.10	4F1, 28 Warrender Park Terrace, Edinburgh North Property Holdings Limited Agent: Colette Grant, Grant Property Solutions Ltd	5 occupants	<ol style="list-style-type: none"> 1. To agree to hear the late objection 2. To repel the public objections and grant the licence for one year subject to the Council's standard conditions for this category of licence.

Agenda Item No.	Applicant/Premises	Conditions Applied For	Decision
Late Hours Catering Licences (New)			
7.1.11	19 Home Street, Edinburgh Hakki Cosgun Manager: Sureyaa Gnanamarali	Standard conditions	To grant the licence subject to the Council's standard conditions for this category of licence and that hot food sales only permitted until 02.00 Sunday to Thursday, 03.00 Friday to Saturday.
7.1.12	75 Lothian Road, Edinburgh FMC Catering Manager: Faruk Ustun	Standard conditions and additional condition requested by noise team	<ol style="list-style-type: none"> 1. To continue consideration of the application to a meeting of the Sub-Committee on 1 June 2018 to allow the applicant to discuss with Environmental Protection the noise from the extractor fan 2. The applicant to submit details of the neighbour notification carried out
7.1.13	104 St John's Road, Edinburgh Corstorphine Spice Manager: Anor Ali	Standard conditions	To continue consideration of the application to a meeting of the Sub-Committee on 1 June 2018 for a report by the Regulatory Services manager on the six points raised in the objectors letter and details of any late licences held at neighbouring properties (50 meters in either direction)
5.1.14	4 Bughtlin Market, Edinburgh Sultan Takeaway Manager: Hasan Ak	Standard conditions	<p>To grant the licence 11 pm – 12 Midnight, Monday – Sunday for a period of 1 year subject to the Council's standard conditions for this category of licence</p> <p>(On a division)</p> <p>See note 2 below.</p>

Agenda Item No.	Applicant/Premises	Conditions Applied For	Decision
Second Hand Dealers Licence (New)			
7.1.15	3 Drum Brae Crescent, Edinburgh Mageed Abdalla	Standard conditions and additional conditions	1. To agree to hear the late objection 2. To refuse the application in terms of Paragraph 5(3)(c)(i) and 5(3)(d) (being contrary to Council Policy) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Street Trader Licences (New)			
7.1.16	Pipe Lane, Portobello, Edinburgh Rafal Przybylski	Standard conditions and additional conditions	To grant the licence for a period of six months for the route on the Promenade from Tumbles to Bellfield Street subject to the Council's standard conditions for this category of licence.
7.1.17	By tree on Hunter Square betwixt Tron & Starbucks, Edinburgh Sam Stratford	Standard conditions and additional conditions	To refuse the application in terms of Paragraph 5(3)(c)(i) and 5(3)(d) (being contrary to Council Policy) of Schedule 1 of the Civic Government (Scotland) Act 1982.
7.1.18	Waverley Mall Rooftop, 3 Princes Street, Edinburgh Lukas Ryszard Laska	Standard conditions and additional conditions	To grant the licence for 1 year subject to the Council's standard conditions for this category of licence.

Notes

1) **Item 7.1.1 – House in Multiple Occupation Licence Application (New) - 1F2, 16 Grove Street, Edinburgh**

Motion

To repel the public objections and grant the licence for six months subject to the Council's standard conditions for this category of licence and subject also to monitoring by the Executive Director of Place.

- moved by Councillor Fullerton, seconded by Councillor Donaldson

Amendment

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

- moved by Councillor Rose, seconded by Councillor Ross

Voting

For the motion - 3 votes

For the amendment - 3 votes

(For the motion – Councillors Barrie, Donaldson and Fullerton

For the amendment – Councillors Ross, Rose and Smith.)

The number of votes being equal the Convener gave her casting vote for the motion.

Decision

To approve the motion by Councillor Fullerton.

Declaration of interest

Councillor Dixon declared a non-financial interest in the above item as he had previously been involved in the application as a ward councillor, withdrew from discussion and took no part in the decision.

2) **Item 7.1.14 – Late Hours Catering Licence Application (New) - 4 Bughtlin Market, Edinburgh**

Motion

To grant the licence for the hours 11pm – 12 midnight, Monday – Sunday for a period of 1 year subject to the Council's standard conditions for this category of licence.

- moved by Councillor Fullerton, seconded by Councillor Barrie

Amendment

To continue consideration of the application for a report by the Chief Constable on antisocial behaviour in the area.

- moved by Councillor Ross, seconded by Councillor Rose

Voting

For the motion - 5 votes

For the amendment - 3 votes

(For the motion – Councillors Barrie, Donaldson, Doran, Fullerton and Smith.

For the amendment – Councillors Dixon, Ross and Rose.)

Decision

To approve the motion by Councillor Fullerton.