

## Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday 1 June 2018

### Present

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

### 1. Minutes

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#### Decision

- 1) To approve the minute of the Licensing Sub-Committee of 23 April 2018 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 1 May 2018 as a correct record.

### 2. Proposed Parades and Processions – March-May 2018

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

The Event Organisers and the appropriate Council officers were heard.

#### Decision

#### 1) Ultra Tour de Edinburgh

To make an order in respect of the proposed Ultra Tour de Edinburgh parade on 21 October 2018 within the designated route and times imposing conditions that:

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

#### 2) Commemoration of the Fallen (Grand Lodge of Scotland)

To make an order in respect of the proposed Commemoration of the Fallen (Grand Lodge of Scotland) parade on 4 November 2018 within the amended date, route and times imposing conditions that:

- 1) The parade shall proceed in accordance with the amended route and times specified in the Notices of Proposal.

- 2) The conditions agreed by the Chief Constable, as set out in appendix 2 to the report before the Committee, shall be applied.
- 3) The organiser will adhere to the recommendations of the Events Planning and Operations Group.

### **3) Artichoke Trust Ltd**

- 1) To note the decision of Full Council on 3 May 2018 to approve the use of Princes Street for this parade.
- 2) To make an order in respect of the proposed parade on 10 June 2018, attaching conditions as set out at Appendix 2 to the report before the Committee, shall be applied.

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

#### **Declaration of interest**

Councillors Donaldson and Fullerton declared a non-financial interest in the parade notification by the Artichoke Trust Ltd as they would be taking part in the proposed procession on 10 June 2018.

### **3. Proposed Parade – Edinburgh Taxi Outing 2018 – 12 June 2018**

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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 in order that it could be considered timorously.

Details were provided of notifications received for the Edinburgh Taxi Outing 2018 on 12 June 2018

#### **Decision**

To make an order in respect of the proposed Edinburgh Taxi Outing 2018 on 12 June 2018 within the designated route and times imposing conditions that:

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

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

### **4. Request for Fee Waiver – Public Entertainment Licence - Armed Forces Day 2018**

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Details were provided of a request behalf of organisers of Armed Forces Day 2018 to agree to waive the application fees for the required temporary Public Entertainment Licence.

The applicant and the appropriate Council officers were heard.

## **Decision**

- 1) To note the terms of the request.
- 2) To agree to waive the fee for the event.

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

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

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Details were provided of 13 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)

## **6. Application for Late Hours Catering Licence – 104 St John’s Road**

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Details were provided of an application for a Late Hours Catering Licence, Monday to Thursday 11.00 pm to 12.30 pm and Friday to Saturday 11.00 pm to 1.00 am at the Corstorphine Spice, 104 St John’s Road, Edinburgh.

The applicant and the objectors were heard.

### **Decision**

To grant the licence permitting trading hours of Sunday – Thursday 11 pm – 12 Midnight and Friday and Saturday 11 pm – 1 am subject to the Council’s standard conditions for this category of licence and an additional condition that all amplified music and vocals to be so controlled as to be inaudible within the nearest noise-sensitive premises after 23.00 hours.

(Reference – Licensing Sub-Committees of 1 May 2018 (item 11); report by the Regulatory Services Manager, submitted)

## APPENDIX 1

### Applications for Miscellaneous Licences

Agenda Item No.	Applicant/Premises	Conditions Applied For	Decision
<b>House in Multiple Occupation Application (Renewal)</b>			
6.1.1	1F1, 4 Maxwell Street, Edinburgh Professor Ian Kunkler Agent: Colette Grant, Grant Property Solutions Ltd	5 occupants	<ol style="list-style-type: none"> <li>1. To note the objection had been withdrawn</li> <li>2. To grant the licence subject to the Council's standard conditions for this category of licence.</li> </ol>
6.1.2	Flat 1, 100 Chesser Crescent, Edinburgh Jonathan Hood Agent: Natalie Cotton, Clan Gordon Ltd	3 occupants	<ol style="list-style-type: none"> <li>1. To repel the public objection and grant the licence subject to the Council's standard conditions for this category of licence.</li> <li>2. The Licensing Section to advise the objector on the options available to her for raising issues arising from the HMO</li> </ol>
6.1.3	Flat 2, 9 Lauriston Park, Edinburgh Lisa Olver Agent: Grant Denholm, Littlejohns Ltd	3 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
<b>Street Trader Licences (Temporary)</b>			
6.1.4	Outside Tron Church (front door to the right), High Street David Martin Coutts	Standard conditions and additional conditions	<ol style="list-style-type: none"> <li>1. To grant the licence as applied for subject to the Council's standard conditions for this category of licence.</li> <li>2. To exempt the licence holder from the standard condition requiring the unit to be removed on a daily basis (On a division)</li> </ol>

Agenda Item No.	Applicant/Premises	Conditions Applied For	Decision
			<b>See note 1 below.</b>
6.1.5	Units 10/11, side of Tron, Hunter Square David Martin Coutts	Standard conditions and additional conditions	To grant the licence as applied for subject to the Council's standard conditions for this category of licence.  To exempt the licence holder from the standard condition requiring the unit to be removed on a daily basis  (On a division)  <b>See note 2 below.</b>
<b>Late Hours Catering Exemption Licences (Temporary)</b>			
6.1.6	Outside Tron Church (front door to the right), High Street David Martin Coutts	Standard conditions and additional conditions	To grant an exemption from the requirement to have a late hours catering licence.  (On a division)  <b>See note 3 below.</b>
6.1.7	Units 10/11, side of Tron, Hunter Square David Martin Coutts	Standard conditions and additional conditions	To grant an exemption from the requirement to have a late hours catering licence.  (On a division).  <b>See note 4 below.</b>

Agenda Item No.	Applicant/Premises	Conditions Applied For	Decision
<b>Market Operator Licence (Temporary)</b>			
6.1.8	High Street, West Parliament Square, St Giles Street, Hunter Square Edinburgh Festival Fringe Society Manager: Andrew Meldrum	Standard conditions and additional conditions	To continue consideration of the application to an additional meeting of the Sub-Committee on 11 June 2018 at 11 am
<b>Theatre Licence (Temporary)</b>			
6.1.9	High Street (to junction with George IV Bridge), West Parliament Square, Hunter Square, Cockburn Street Edinburgh Festival Fringe Society Manager: Andrew Meldrum	Standard conditions and additional conditions	To continue consideration of the application to an additional meeting of the Sub-Committee on 11 June 2018 at 11 am
<b>Second Hand Dealer Licences (New)</b>			
6.1.10	71 Clermiston Road, Edinburgh Geoffrey Bain	Standard conditions and additional conditions	To continue consideration of the application to the meeting of the Sub-Committee on 24 July 2018 to allow the applicant to attend, and for the Regulatory Services Manager to arrange a site visit to the premises.
6.1.11	1 Springfield Road, South Queensferry Mohammed Abdullah	Standard conditions and additional condition from Police	To refuse the application in terms of Paragraph 5(3) (d) (being contrary to Council Policy) of Schedule 1 of the Civic Government (Scotland) Act 1982. (On a division)

Agenda Item No.	Applicant/Premises	Conditions Applied For	Decision
		Scotland and Licensing Enforcement	<b>See note 5 below.</b>
<b>Street Trader Licence (New)</b>			
6.1.12	Stance 4, Castle Street junction with Rose Street Steven Fotheringham	Standard conditions	To grant the licence subject to the Council's standard conditions for this category of licence.
<b>Late Hours Catering Licence (Variation)</b>			
6.1.13	59 London Road, Edinburgh Straub Food Ltd Manager: Ryan Straub	Standard conditions	<ol style="list-style-type: none"> <li>To grant the licence for six months subject to the Council's standard conditions for this category of licence.</li> <li>To note the applicant's agreement to supply details of recorded incidents of misconduct which were not reported to the police.</li> </ol>

## Notes

- 1) Item 6.1.4 – Street trader Licence Application (Temporary) - Outside Tron Church (front door to the right), High Street, Edinburgh - David Martin Coutts**

## Motion

- To grant the licence as applied for subject to the Council's standard conditions for this category of licence.
- To exempt the licence holder from the standard condition requiring the unit to be removed on a daily basis
  - moved by Councillor Fullerton, seconded by Councillor Barrie.

## Amendment

To refuse the application in terms of Paragraph 5(3) (d) (being contrary to Council Policy) of Schedule 1 of the Civic Government (Scotland) Act 1982

- moved by Councillor Arthur, seconded by Councillor Donaldson.

## Voting

For the motion - 5 votes  
For the amendment - 3 votes

(For the motion – Councillors Barrie, Dixon, Fullerton, Neil Ross and Smith.

For the amendment – Councillors Arthur, Donaldson and Rose.)

### **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 6.1.5 – Street trader Licence Application (Temporary) - Units 10/11, side of Tron, Hunter Square, Edinburgh - David Martin Coutts**

### **Motion**

1. To grant the licence as applied for subject to the Council's standard conditions for this category of licence.
2. To exempt the licence holder from the standard condition requiring the unit to be removed on a daily basis
  - moved by Councillor Fullerton, seconded by Councillor Barrie.

### **Amendment**

To refuse the application in terms of Paragraph 5(3) (d) (being contrary to Council Policy) of Schedule 1 of the Civic Government (Scotland) Act 1982

- moved by Councillor Rose, seconded by Councillor Arthur.

### **Voting**

For the motion - 5 votes

For the amendment - 3 votes

(For the motion – Councillors Barrie, Dixon, Fullerton, Neil Ross and Smith.

For the amendment – Councillors Arthur, Donaldson and Rose.)

### **Decision**

To approve the motion by Councillor Fullerton.

## **3) Item 6.1.6 – Late Hours Catering Exemption Licence (Temporary) - Outside Tron Church (front door to the right), High Street, Edinburgh - David Martin Coutts**

### **Motion**

1. To grant the licence as applied for subject to the Council's standard conditions for this category of licence.
2. To exempt the licence holder from the standard condition requiring the unit to be removed on a daily basis
  - moved by Councillor Fullerton, seconded by Councillor Barrie.



## **Amendment**

To refuse the application in terms of Paragraph 5(3) (d) (being contrary to Council Policy) of Schedule 1 of the Civic Government (Scotland) Act 1982

- moved by Councillor Rose, seconded by Councillor Arthur.

## **Voting**

For the motion - 5 votes

For the amendment - 3 votes

(For the motion – Councillors Barrie, Dixon, Fullerton, Neil Ross and Smith.

For the amendment – Councillors Arthur, Donaldson and Rose.)

## **Decision**

To approve the motion by Councillor Fullerton.

### **4) Item 6.1.7 – Late Hours Catering Exemption Licence (Temporary) - Units 10/11, side of Tron, Hunter Square, Edinburgh - David Martin Coutts**

## **Motion**

1. To grant the licence as applied for subject to the Council's standard conditions for this category of licence.
2. To exempt the licence holder from the standard condition requiring the unit to be removed on a daily basis

- moved by Councillor Fullerton, seconded by Councillor Barrie.

## **Amendment**

To refuse the application in terms of Paragraph 5(3) (d) (being contrary to Council Policy) of Schedule 1 of the Civic Government (Scotland) Act 1982

- moved by Councillor Rose, seconded by Councillor Arthur.

## **Voting**

For the motion - 5 votes

For the amendment - 3 votes

(For the motion – Councillors Barrie, Dixon, Fullerton, Neil Ross and Smith.

For the amendment – Councillors Arthur, Donaldson and Rose.)

## **Decision**

To approve the motion by Councillor Fullerton.

### **5) Item 6.1.6 – Street trader Licence Application – 1 Springfield Road, South Queensferry - Mohammed Abdullah**

## **Motion**

To grant the licence for a period of 1 year subject to the Council's standard conditions for this category of licence, with any subsequent renewal application to be considered by the Licensing Sub-Committee.

- moved by Councillor Barrie, seconded by Councillor Rose

### **Amendment**

To refuse the application in terms of Paragraph 5(3) (d) (being contrary to Council Policy) of Schedule 1 of the Civic Government (Scotland) Act 1982

- moved by Councillor Neil Ross, seconded by Councillor Fullerton

### **Voting**

For the motion - 5 votes

For the amendment - 2 votes

(For the motion – Councillors Barrie and Rose.

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

### **Decision**

To approve the amendment by Councillor Neil Ross.