

Notice of meeting and agenda

Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday 23 July 2019

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

- 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 Minute of Additional Meeting of the Licensing Sub-Committee of 13 June 2019 (circulated) – submitted for approval as a correct record
- 3.2 Minute of Licensing Sub-Committee of 17 June 2019 (circulated) – submitted for approval as a correct record
- 3.3 Minute of Licensing Sub-Committee of 25 June 2019 (circulated) – submitted for approval as a correct record
- 3.4 Minute of Additional Meeting of the Licensing Sub-Committee of 15 July 2019 (circulated) – submitted for approval as a correct record

4. Request for Fee Reduction

- 4.1 Request for Fee Reduction – Amusement Devices – Currie Community Fair – report by the Regulatory Services Manager (circulated)

Note: The above applicants have been invited to attend for 9.00am.

5. Miscellaneous Applications

- 5.1 Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications – list of applications (circulated)

Note: The above applicants have been invited to attend for 9.00am.

Laurence Rockey

Head of Strategy and Communications

Committee Members

Councillors Fullerton (Convener), Dixon (Vice-Convener), Arthur, Howie, Mitchell, Rae, Rose, Neil Ross and Wilson.

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 Lesley Birrell or Sarah Stirling, Committee Services, Strategy and Communications, Chief Executive, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street Edinburgh, EH8 8BG; ☎ 0131 529 4240 / 0131 529 3009 email lesley.birrell@edinburgh.gov.uk / sarah.stirling@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/meetings .

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 (Additional Meeting)

9.00am, Thursday 13 June 2019

Present

Councillors Fullerton (Convener), Dixon, Henderson (substituting for Councillor Arthur), Mitchell, Howie, Miller (substituting for Councillor Burgess, item 6 onwards), Perry (substituting for Councillor Wilson), Rose and Neil Ross.

1. Resolution to Consider in Private

The Sub-Committee agreed under Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7A of the Act.

2. Police Request for Suspension of Taxi Licence

The Sub-Committee considered a request by Police Scotland to suspend a Taxi Licence.

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)

3. Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemption to Policy

The Regulatory Committee had agreed to amend its policy and licensing conditions regarding the age and emissions standards of licensed vehicles in Edinburgh's Taxi and Private Hire Car fleet at its meeting on 16 March 2018.

16 requests had been received for exemptions to this policy. The licence holders and relevant Council officers were heard.

Decision

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

(References – Regulatory Committee 16 March 2018 (item 1); report by the Regulatory Services Manager, submitted)

Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday 17 June 2019

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Arthur, Henderson (substituting for Councillor Wilson), Howie, Mitchell, Rae (substituting for Councillor Burgess), Neil Ross and Rose.

1. Minutes

Decision

- 1) To approve the minute of the additional meeting of the Licensing Sub-Committee of 17 May 2019 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 20 May 2019 as a correct record.
- 3) To approve the minute of the Licensing Sub-Committee of 28 May 2019 as a correct record.

2. Parades and Processions – Escort to the Crown of Scotland – 29 June 2019

Details were provided of a proposed parade Escort to the Crown of Scotland to be held on 29 June 2019. The Event Organisers and the appropriate Council officers were heard.

Decision

To make an Order in respect of the proposed Escort to the Crown of Scotland on 29 June 2019 imposing conditions that:

- i) The parade shall proceed in accordance with the route and times agreed at the meeting of the Events Planning and Operations Group.
- ii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.
- iii) The proposed conditions recommended by the Council's Regulatory Services Manager shall be applied.

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

3. Request for Fee Waiver – Public Entertainment – Armed Forces Day 2019

A Public Entertainment Licence application had been received for Armed Forces Day 2019 on 22 June 2019. The Lord Provost had written to request that the Licensing Sub-Committee consider waiving the fee for this licence in recognition of the contribution that members of the Armed Forces past, present and future had made to society.

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)

4. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications

Details were provided of 34 applications for miscellaneous licences. The applicants and their agents were heard.

Decision

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

(Reference – list of applications, submitted)

APPENDIX

Applications for Miscellaneous Licences

Market Operator Licence (Temporary)		
6.1.1	Niall MacDonald	<p>To GRANT the licence subject to the Council's standard conditions for this category of licence.</p> <p>Note: Councillor Mitchell declared a financial interest as an employee of GB Festivals Ltd, left the room and took no part in consideration of the item.</p>
Public Entertainment Licence (Temporary)		
6.1.2	GB Festivals Ltd Niall MacDonald	<p>To GRANT the licence subject to the Council's standard conditions for this category of licence.</p> <p>Note: Councillor Mitchell declared a financial interest as an employee of GB Festivals Ltd, left the room and took no part in consideration of the item.</p>
Market Operator Licence (Temporary)		
6.1.3	Continental Market Ltd Mr Ali Yaich Hope St, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant's solicitor to attend.
6.1.4	Continental Market Ltd Mr Ali Yaich High Riggs, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant's solicitor to attend.
6.1.5	Continental Market Ltd Mr Ali Yaich Lawnmarket, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant's solicitor to attend.

6.1.6	Continental Market Ltd Mr Ali Yaich St Patrick's Square, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant's solicitor to attend.
6.1.7	Continental Market Ltd Mr Ali Yaich Nicholas Square, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant's solicitor to attend.
Public Entertainment Licence (Temporary)		
6.1.8	The Great Russian Circus Ltd. Ms Marnie Dock	To note that the application had been WITHDRAWN by the applicant's agent.
6.1.9	Highland Centre Ltd. Mr Mark Currie	To GRANT the licence for the hours 12:00-23:00 subject to the Council's standard conditions for this category of licence and the additional requested Police conditions.
6.1.10	DF Concerts and Events Mr Geoff Ellis	To GRANT the licence subject to the Council's standard conditions for this category of licence.
6.1.11	Castle Concerts Ltd Mr Mark Mackie	To GRANT the licence subject to the Council's standard conditions for this category of licence.
Street Trader Licence (Temporary)		
6.1.12	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.
6.1.13	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.

6.1.14	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.
6.1.15	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.
6.1.16	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.
6.1.17	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.
6.1.18	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.
6.1.19	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.
Late Hours Catering Licence (Exemption)		
6.1.20	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.
6.1.21	Mr David Martin Coutts Mr William Keith Taylor	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 at the request of the applicant to allow him to resolve ongoing issues with the site.

Theatre Licence (Temporary)		
6.1.22	C Venues Ltd Mr Hartley Kemp	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant to attend.
Street Trader Licence (New)		
6.1.23	Benny Yadgarian Castle Wynd North, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 19 August 2019 to allow the applicant to attend.
Street Trader Licence (Renewal)		
6.1.24	Benny Yadgarian Rose Street, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 19 August 2019 to allow the applicant to attend.
6.1.25	Blair McNeill Stance 13, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant to provide written confirmation to Committee that a representative is authorised to speak on behalf of the applicant.
6.1.26	Chandra Mather Stance 10, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE to waive the fee for this application. 4) To AGREE that the license fee would be refunded.
6.1.27	Adam Macintosh Stance 7, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant to provide written confirmation of a representative to attend on behalf of the applicant.

6.1.28	Elizabeth Hiller Stance 8, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE to waive the fee for this application. 4) To AGREE that the license fee would be refunded.
6.1.29	Jane Edgell Stance 1, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant to provide written confirmation of a representative to attend on behalf of the applicant.
6.1.30	William Green Stance 11, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant to provide written confirmation of a representative to attend on behalf of the applicant.
6.1.31	Elizabeth Tainsh Stance 12, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant to attend.
6.1.32	Kuldeep Singh Stance 9, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 25 June 2019 to allow the applicant to attend.
Market Operator Licence (New)		
6.1.33	Mark Gibson Manager: Andrew McLaren	To GRANT the licence for the hours 08:00-20:00 subject to the Council's standard conditions for this category of licence.
Market Operator Licence (Renewal)		
6.1.34	Tania Eadie 2 Newbattle Terrace, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence.

Additional Items

Street Trader Licence (Temporary)

6.1.35	Edinburgh Children's Hospital Hannah Bidulph	To GRANT the licence subject to the Council's standard conditions for this category of licence.
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Market Operator Licence (Temporary)

6.1.36	LocalMotive Markets Tania Pramschufer	To GRANT the licence subject to the Council's standard conditions for this category of licence.
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Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday 25 June 2019

Present

Councillors Fullerton (Convener), Mary Campbell (substituting for Councillor Arthur, items B4.1 – B4.2(c) and B4.3 onwards) Child (substituting for Councillor Wilson, items 2 to 6) Dixon, Mitchell, Howie, Rose (up to item 6), Neil Ross and Watt (substituting for Councillor Arthur, items 1 to 3 and B4.2(d) – (e))

1. Booking Office Licence (New) – Ola UK Private Limited – application

Details were provided of a new Booking Office Licence for Ola UK Private Limited. The applicant was heard.

Decision

To determine the application as detailed in the Appendix to this minute.

(Reference – list of applications, submitted)

2. Civic Government (Scotland) Act 1982 – To consider miscellaneous applications

Details were provided of sixteen applications for miscellaneous licences. Their agent was heard.

Decision

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

(Reference – list of applications, submitted)

3. Resolution to Consider in Private

The Sub-Committee agreed under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7A of the Act.

4. Suspension of Taxi and Taxi Driver's Licences

The Sub-Committee considered a request by Police Scotland to suspend or revoke three Taxi Driver and Private Hire Driver's Licences.

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)

5. Suspension of Taxi and Taxi Driver's Licences

The Sub-Committee considered a request by Police Scotland to suspend or revoke seven Taxi Driver and Private Hire Driver's Licences.

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)

6. Suspension of Taxi and Taxi Driver's Licences

The Sub-Committee considered a request by Police Scotland to suspend or revoke a Private Hire Car Operator's Licence and Private Hire Car Driver's Licence.

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)

7. Application for Renewal of Private Hire Driver's Licence

On 6 February 2018 the Regulatory Committee had agreed to amend its policy regarding existing taxi and private hire car drivers who were unable to obtain the relevant criminal convictions check to apply for a licence renewal.

The Sub-Committee considered a request for renewal of a private hire driver's licence.

Decision

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

(References – Regulatory Committee 6 February 2018 (item 1); report by the Regulatory Services Manager, submitted)

8. Application for Renewal of Private Hire Driver's Licence

On 6 February 2018 the Regulatory Committee had agreed to amend its policy regarding existing taxi and private hire car drivers who were unable to obtain the relevant criminal convictions check to apply for a licence renewal.

The Sub-Committee considered a request for renewal of a private hire driver's licence.

Decision

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

(References – Regulatory Committee 6 February 2018 (item 1); report by the Regulatory Services Manager, submitted)

9. Application for Renewal of Private Hire Driver's Licence

On 6 February 2018 the Regulatory Committee had agreed to amend its policy regarding existing taxi and private hire car drivers who were unable to obtain the relevant criminal convictions check to apply for a licence renewal.

The Sub-Committee considered a request for renewal of a private hire driver's licence.

Decision

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

(References – Regulatory Committee 6 February 2018 (item 1); report by the Regulatory Services Manager, submitted)

10. Civic Government (Scotland) Act 1982 – To consider miscellaneous applications

Details were provided of nine 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

Applications for Miscellaneous Licences

Booking Office Licence (New)		
3.1.1	Booking Office Licence (New) – Ola UK Private Limited – application Ola UK Private Limited Benjamin George Legg	To GRANT the licence subject to the Council’s standard conditions for this category of licence and the additional conditions requested by Police Scotland, with an amendment to condition 2b, to read; “other than in circumstances set out in Section 21(2) of the Civic Government (Scotland) Act 1982 only the City of Edinburgh Council licensed PHCs or Taxis and drivers will be used for any booking accepted”.
Market Operator Licence (Temporary)		
4.1.1	Continental Market Ltd Mr Ali Yaich Hope St, Edinburgh Agent: Alistair MacDonald	To note that the application had been WITHDRAWN by the applicant’s agent.
4.1.2	Continental Market Ltd Mr Ali Yaich High Riggs, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 23 July 2019 to allow the applicant to clarify the dates requested for and to re-advertise the application.
4.1.3	Continental Market Ltd Mr Ali Yaich Lawnmarket, Edinburgh	To note that the application had been WITHDRAWN by the applicant’s agent.
4.1.4	Continental Market Ltd Mr Ali Yaich St Patrick’s Square, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 23 July 2019 to allow the applicant to clarify the dates requested for, to re-advertise the application and to allow the agent to see all information circulated with the application.

4.1.5	Continental Market Ltd Mr Ali Yaich Nicholas Square, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 23 July 2019 to allow the applicant to clarify the dates requested for, to re-advertise the application and to allow the agent to see all information circulated with the application.
Market Operator Licence (Temporary)		
4.1.6	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.
4.1.7	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.
4.1.8	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.
4.1.9	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.
4.1.10	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.

4.1.11	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.
4.1.12	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.
4.1.13	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.
Late Hour Catering Licence (Exemption)		
4.1.14	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(d) (other good reason) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 2.
4.1.15	Mr David Martin Coutts Mr William Keith Taylor	To REFUSE the application in terms of Paragraph 5(3)(d) (other good reason) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 2.
Theatre Licence (Temporary)		
4.1.16	C Venues Ltd Mr Hartley Kemp	To GRANT the licence subject to the Council's standard conditions for this category of licence.
Street Trader Licence (Temporary)		
4.1.17	Underbelly Ltd Miss Ruth Fisher	To GRANT the licence subject to the Council's standard conditions for this category of licence.

Note 1

Items 4.1.6 to 4.1.13 Market Operator Licence (Temporary) – Mr David Martin Coutts

Motion

To **REFUSE** the applications in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

- moved by Councillor Watt, seconded by Councillor Howie

Amendment

To **CONTINUE** consideration of the applications to the Licensing Sub-Committee meeting on 23 July 2019 to allow the applicant to meet with Council Officers.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Voting

- | | | |
|-------------------|---|---------|
| For the motion | - | 6 votes |
| For the amendment | - | 2 votes |

(For the motion – Councillors Child, Howie, Mitchell, Rose, Neil Ross and Watt.

For the amendment – Councillors Dixon and Fullerton)

Decision

To **REFUSE** the applications in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Note 2

Items 4.1.14 to 4.1.15 Late Hour Catering Licences (Exemptions) – Mr David Martin Coutts

Motion

To **REFUSE** the applications in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

- moved by Councillor Watt, seconded by Councillor Howie

Amendment

To **CONTINUE** consideration of the applications to the Licensing Sub-Committee meeting on 23 July 2019 to allow the applicant to meet with Council Officers.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Voting

- | | | |
|-------------------|---|---------|
| For the motion | - | 6 votes |
| For the amendment | - | 2 votes |

(For the motion – Councillors Child, Howie, Mitchell, Rose, Neil Ross and Watt.

For the amendment – Councillors Dixon and Fullerton)

Decision

To **REFUSE** the applications in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Licensing Sub-Committee of the Regulatory Committee (Additional Meeting)

10.00am, Monday 15 July 2019

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener) (for items 1 to 4 only), Howie (for items 1 to 4 only), Rae, Rose (for items 1 to 4 only) and Neil Ross.

1. Resolution to Consider in Private

The Sub-Committee agreed under Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7A of the Act.

2. Application for a Second Hand Dealer's Licence – Autosales Trading Ltd

The Sub-Committee considered an application for a second hand dealer's licence from Autosales Trading Ltd.

Decision

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

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

3. Application for a Renewal of Taxi Driver's Licence

On 6 February 2018 the Regulatory Committee had agreed to amend its policy regarding existing taxi and private hire car drivers who were unable to obtain the relevant criminal convictions check to apply for a licence renewal.

The Sub-Committee considered an application for renewal of a taxi driver's licence. The applicant requested that the application be continued to a future meeting to allow his agent to attend.

Decision

To continue the application to the meeting of the Licensing Sub-Committee on 20 August 2019 to allow the applicant's agent to attend.

(References – Regulatory Committee 6 February 2018 (item 1); report by the Regulatory Services Manager, submitted)

4. Civic Government (Scotland) Act 1982 – To consider miscellaneous applications

Details were provided of two applications for miscellaneous licences. The applicants 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)

5. Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemption to Policy

The Regulatory Committee had agreed to amend its policy and licensing conditions regarding the age and emissions standards of licensed vehicles in Edinburgh's Taxi and Private Hire Car fleet at its meeting on 16 March 2018.

11 requests had been received for exemptions to this policy. The licence holders and relevant Council officers were heard.

Decision

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

(References – Regulatory Committee 16 March 2018 (item 1); report by the Regulatory Services Manager, submitted)

Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday, 23 July 2019

Request for Fee Reduction – Amusement Devices – Currie Community Fair

Item number	4.1
Report number	
Executive/routine	
Council Commitments	N/A
Wards	Pentland Hills (2)

Executive Summary

An application has been received from Currie Community Council. The organisation has previously benefited from a waiver of the Public Entertainment licence application fee. The organiser of Currie Community Fair has written to request that the Licensing Sub-Committee considers reducing the additional fee for Amusement Devices at this event.

Request for Fee Reduction – Amusement Devices – Currie Community Fair

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 Hears from the applicant; and
 - 1.1.2 Determines the appropriate level of fee for this event.

2. Background

- 2.1 Currie Community Fair is planned for Saturday 7 September 2019.

3. Main report

- 3.1 This is a free community event which benefits from a waiver of the Public Entertainment Licence application fee which the Regulatory Committee put in place. However the operation of Amusement Devices is a separate category as these are normally commercial operators providing the amusement devices. As such amusement devices were not part of the reduced fees structure put in place for community events and incur a separate application fee of £2,392.
- 3.2 In normal circumstances it is not recommended that community councils obtain a Public Entertainment Licence for amusement rides, as they would become the licenceholder and liable for all aspects of their operation.
- 3.3 A representative of Currie Community Council has written to the Council to request that the committee considers reducing the application fee for the Amusement Devices planned for this event.
- 3.4 A copy of the licence application is attached at Appendix 1 and the email from the organiser is attached at Appendix 2.
- 3.5 The charge for Public Entertainment Licence applications and associated charges such as that for Amusement Devices is used to offset the significant costs which are incurred in dealing with Licensing issues in the city.
- 3.6 A representative of the applicant will be invited to address the committee on the request for the fee reduction.

4 Measures of success

- 4.1 The premises are 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 2019.
- 5.2 Committee members should note that the Council approved the following as part of the Budget Motion approved in February 2019:
- 5.2.1 The Administration will adopt a policy of full cost recovery for major events in the city delivered by third parties. We will increase cost recovery through charges levied for licensing and regulatory services, road occupation licences and consents, where permitted by legislation.
- 5.3 The cost of reducing the licence fee will be met from the Licensing budget.

6 Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The fee structure was agreed by Council in February 2019. Any reduction risks setting a precedent. However, the committee has discretion to waive fees where it considers this appropriate.

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

- 10.1 None

Andrew Mitchell

Regulatory Services Manager

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11 Appendices

11.1 Appendix 1 – Application Form

11.2 Appendix 2 - Emails from Currie Community Council

Item 5.1

Licensing Sub-Committee of the Regulatory Committee

23 July 2019

Applications for Miscellaneous Licences

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
The following applicants have been invited for 9.00am							
Street Trader Licence (New)							
5.1.1	Adam McIntosh	Stance 7, Playfair Steps, Edinburgh	Standard Conditions	N/A	Continued from the Licensing Sub-Committee of 20 May 2019 to allow the Regulatory Services manager to clarify the current position with the applicant. Further continued from the Licensing Sub-Committee of 17 June 2019 to allow the applicant to provide written confirmation to Committee that a representative is authorised to speak on his behalf. Local Transport Team objection		30.07.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Street Trader Licences (Temporary) and Late Hours Catering Licence (Exemption)							
5.1.2	Giuliano Binanti	The Cowshed, Cowgate, Edinburgh	Street Trader Applications Hours Requested 11:00 to 03:00 Standard Conditions and additional roads condition	N/A	Outwith Council Policy		Dates 31.07.19 to 26.08.19
			Late Hours Catering Exemption Application Hours Requested 23:00 to 03:00	N/A	Outwith Council Policy		Dates 31.07.19 to 26.08.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
			Requested 23:00 to 03:00 Standard Conditions				
5.1.4	Kenneth Scott	Hunter Square	Street Trader Applications Hours Requested 10:00 to 03:00 Standard Conditions and additional roads condition	N/A	Outwith Council Policy Local Transport Team representation		Dates 01.08.19 to 28.08.19
			Late Hours Catering Exemption Application Hours Requested	N/A	Outwith Council Policy		Dates 01.08.19 to 28.08.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
			23:00 to 03:00 Standard Conditions				
Market Operators Licence (Temporary)							
5.1.5	LocalMotive Markets Tania Pramshufer	Old Tolbooth Market Back Yard, 179a Canongate, Edinburgh	Hours Requested 10:00 to 21:00 Standard Conditions Additional noise and roads conditions	N/A	Outwith Council Policy	None	Dates 27.07.19 to 23.08.19
5.1.6	D & J Mobile Catering Ltd Ross Greaves	West Princes Street Gardens, Princes Street, Edinburgh	Hours Requested 10:00 to 22:30 Standard Conditions	N/A	Outwith Council Policy The Licensing Sub-Committee, on 17 June 2019, granted the public entertainment licence for this event.	None	Dates 07.08.19 to 16.08.19 inclusive and 18.08.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
			Additional noise condition				
5.1.7	Hunter Square Lease Ltd Arthur Mustard	Hunter Square, Edinburgh	Hours Requested 11:00 to 12 midnight Standard Conditions Additional noise condition	N/A	Outwith Council Policy Local Transport Team objection	None	Dates 02.08.19 to 26.08.19

LICENSING REF NO: 397679

ITEM NO

5.1.1

STREET TRADER LICENCE

Renewal

APPLICANT DETAILS: MANAGER	NAME	Mr Adam Mcintosh
PREMISES ADDRESS		Stance 7, Playfair Steps, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Roads Objections
REASON FOR BEING CALLED TO COMMITTEE		Roads Objection Playfair Steps Renewal
DETERMINATION DATE		30th July 2019
NOTES: Street Traders Renewal for Playfair Steps Stance 7		

LICENSING REF NO: 412857/ 412858/ 412859/ 412860/
412861

ITEM NO

5.1.2

**4X STREET TRADER LICENCE &
1X LATE HOURS CATERING
EXEMPTION**

Temporary

APPLICANT DETAILS: MANAGER	NAME	Mr Giuliano Binanti
PREMISES ADDRESS		The Cowshed, Cowgate, EH1 1JW
CONDITIONS RECOMMENDED		Street Trader - Standard Conditions + "The applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins." LHC Exemption – Standard Conditions + "All amplified music and vocals to be controlled to the satisfaction of the Director of Place", "All amplified music and vocals to be so controlled as to be inaudible within the nearest noise- sensitive premises after 23:00."
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		Out with Council Policy

DETERMINATION DATE	First licence to start 31.7.19
NOTES: 4 Street Trader applications for consecutive weeks (31.7.19 – 26.8.19) with one LHC Exemption (31.7.19 – 26.8.19). Operating through Cowshed on Cowgate, with the proposed operating hours of 11:00am – 03:00am.	

LICENSING REF NO: 412928

ITEM NO

5.1.5

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	Local Motive Markets Ms Tania Pramschufer
PREMISES ADDRESS		179a Canongate, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions + "No amplified music or vocals", "the applicant will not unreasonably obstruct road or footway users, affect their safety or obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins", "subject to a final inspection from Public Safety".
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		Out with Council Policy
DETERMINATION DATE		Event due to start – 27.7.19
NOTES: Market Operator application for 20 stances in Old Tolbooth Market Back Yard. The proposed operating hours are 10:00am to 09:00pm.		

LICENSING REF NO: 414694

ITEM NO **5.1.6**

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	D & J Mobile Catering Ltd Mr Ross Greaves
PREMISES ADDRESS		West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions + "All amplified music and vocals to be controlled to the satisfaction of the Director of Place".
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		Out with Council Policy
DETERMINATION DATE		Event start date – 7.8.19
NOTES: Market Operators application for the Edinburgh Summer Sessions (7.8.19 – 18.8.19). The Public Entertainment licence for this event was granted at Committee on June 17th. The proposed operating hours are 10:00 – 22:30.		

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	Hunter Square Lease Ltd Mr Arthur Mustard
PREMISES ADDRESS		Street Record, Hunter Square, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions + "All amplified music and vocals to be controlled to the satisfaction of the Director of Place".
REPRESENTATIONS RECEIVED		Roads
REASON FOR BEING CALLED TO COMMITTEE		Out with Council Policy Roads Representation
DETERMINATION DATE		Proposed start date – 2.8.19
<p>NOTES: Market Operator licence for Hunter Square (2.8.19 – 26.8.19). 2 stalls with the proposed opening hours of 11:00 – 00:00.</p>		