

# Notice of meeting and agenda

## Licensing Sub-Committee of the Regulatory Committee

**2.30pm, Monday 19 November 2018**

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

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

### Contacts:

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## **1. Order of business**

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- 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**

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- 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**

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- 3.1 Minute of Licensing Sub-Committee of 22 October 2018 (circulated) – submitted for approval as a correct record
- 3.2 Minute of Licensing Sub-Committee of 23 October 2018 (circulated) – submitted for approval as a correct record

## **4. Use of Urgency Provision of Standing Orders to Allow Variation of Licensing Conditions**

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- 4.1 Use of Urgency Provision of Standing Orders to Allow Variation of Licensing Conditions – Street Trader’s Licence – Poppy Scotland – report by the Regulatory Services Manager (circulated)
- 4.2 Use of Urgency Provision of Standing Orders to Allow Variation of Licensing Conditions – Cinemas Act 1985 – Scottish Independent Film Festival – report by the Regulatory Services Manager (circulated)

## **5. Request for Fee Reduction**

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- 5.1 Request for Fee Reduction - Unique Events – Sleep in the Park - report by the Regulatory Services Manager (circulated)

Note: The above applicant has been invited to attend for 2.30pm.

## **6. Miscellaneous Applications**

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

### **Laurence Rockey**

Head of Strategy and Communications

### **Committee Members**

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Councillors Fullerton (Convener), Arthur, Burgess, Dixon, Mitchell, Rose, Neil Ross, Smith and Wilson.

## Information about the Licensing Sub-Committee

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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

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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](mailto:lesley.birrell@edinburgh.gov.uk) / [sarah.stirling@edinburgh.gov.uk](mailto: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/cpol](http://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

2.30pm, Monday 22 October 2018

### Present

Councillors Fullerton (Convener), Child (substituting for Councillor Arthur) Dixon, Henderson (substituting for Councillor Wilson), Mitchell, Rose, Neil Ross and Smith.

### 1. Minutes

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#### Decision

- 1) To approve the minute of the Licensing Sub-Committee of 17 September 2018 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 18 September 2018 as a correct record.

### 2. Parades and Processions

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Details were provided of notifications received for four proposed parades and processions. The Event Organisers and the appropriate Council officers were heard.

#### Decision

##### 1) Edinburgh Diwali

- 1) To note that the date of the event had changed to 3 November 2018.
- 2) To make an order in respect of the proposed Edinburgh Diwali parade on 3 November 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 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.
  - iv) The organiser will adhere to the additional conditions requested by Public Safety:

No playing of music until the bands / dance groups are on Bank Street due to the fact there is a 14:00 hrs wedding taking place in the Signet Library.

Maximum 180 people allowed to cross Mound / Princes Street / Hanover Street junction.

The parade will only have one opportunity to cross the above junction within the allocated 5 minute closure, any person unable to cross within this time will be redirected into West Princes Street Gardens.

The parade must remain in the left-hand lane of the road (specifically the Northbound carriage way down the mound and up Hanover Street.

## 2) **Edinburgh Stone of Remembrance**

To make an order in respect of the proposed Legion Scotland – Edinburgh Stone of Remembrance parade on 11 November 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 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.

## 3) **Scottish War Poets Memorial Ceremony**

To make an order in respect of the proposed Scottish War Poets Memorial Ceremony parade on 23 November 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 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.

## 4) **Underbelly Ltd Torchlight Procession**

To make an order in respect of the proposed Underbelly Ltd Torchlight Procession on 30 December 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 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. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006**

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Details were provided of 35 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 Child declared a non-financial interest in item 5.1.5 she was known to the applicant and objectors, left the room and took no part in the consideration of the items.

(Reference – list of applications, submitted)

### **4. Resolution to Consider in Private**

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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.

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

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Details were provided of 3 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 1

### Applications for Miscellaneous Licences

Public Entertainment Licence (Temporary)		
5.1.1	Edinburgh Diwali	<ol style="list-style-type: none"> <li>1) To agree to determine the application in the absence of the applicant.</li> <li>2) To grant the licence subject to the Council's standard conditions for this category of licence.</li> </ol>
Market Operator Licence (Temporary)		
5.1.2	Edinburgh Diwali	<ol style="list-style-type: none"> <li>1) To agree to determine the application in the absence of the applicant.</li> <li>2) To grant the licence subject to the Council's standard conditions for this category of licence.</li> </ol>
Public Entertainment Licence (Temporary)		
5.1.3	Underbelly Ltd Event date - 30.12.18	To grant the licence subject to the Council's standard conditions for this category of licence.
Market Operator Licence (Temporary)		
5.1.4	Underbelly Ltd Event date – 30.12.18	To grant the licence subject to the Council's standard conditions for this category of licence.
Public Entertainment Licence (Variation)		
5.1.5	Albert Reid Straiton Place Park, Portobello	To grant the application to vary the terms of the licence.  <b>See note 1 below.</b>
Public Entertainment Licence (Temporary)		
5.1.6	Highland Centre Ltd Mark Currie	<ol style="list-style-type: none"> <li>1) To grant the licence subject to the Council's standard conditions for this category of licence and subject to the additional conditions requested by Police Scotland in their letter of 19/10/2018 and the additional conditions requested by Licensing Enforcement.</li> <li>2) To note that a variation application lodged in connection with this application was deemed not competent given that there was no licence in</li> </ol>

		place which was capable of being varied at the time it was lodged and that there is no provision in the Civic Government (Scotland) Act 1982 in terms of which a temporary licence may be varied.
<b>Market Operator Licence (Temporary)</b>		
<b>5.1.7</b>	TV17 Events Limited Simon McGrath	To grant the licence subject to the Council's standard conditions for this category of licence and additional conditions requested by Licensing Enforcement.
<b>Public Entertainment Licence (Temporary)</b>		
<b>5.1.8</b>	Keasim Events Simon Keane Event dates 15.11.18 – 12.12.18	To grant the licence subject to the Council's standard conditions for this category of licence.
<b>5.1.9</b>	Keasim Events Simon Keane Event dates 13.12.18 – 01.01.18	To grant the licence subject to the Council's standard conditions for this category of licence and subject to event closing at 1800 hours on 31.12.18.
<b>Market Operator Licence (Temporary)</b>		
<b>5.1.10</b>	Keasim Events Simon Keane Event dates 15.11.18 – 12.12.18	To grant the licence subject to the Council's standard conditions for this category of licence.
<b>5.1.11</b>	Keasim Events Simon Keane Event dates 13.12.18 – 01.01.18	To grant the licence subject to the Council's standard conditions for this category of licence and subject to event closing at 1800 hours on 31.12.18.
<b>Public Entertainment Licence (Temporary)</b>		
<b>5.1.12</b>	Underbelly Ltd Event dates – 16.11.18 – 13.12.18	<ol style="list-style-type: none"> <li>1) To grant the licence subject to the Council's standard conditions for this category of licence.</li> <li>2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications.</li> <li>3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.</li> </ol>



<b>5.1.13</b>	Underbelly Ltd Mrs Ruth Fisher Event dates – 14.12.18 – 05.01.19	1) To grant the licence subject to the Council’s standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>5.1.14</b>	Underbelly Ltd Event dates – 16.11.18 – 13.12.18	1) To grant the licence subject to the Council’s standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>5.1.15</b>	Underbelly Ltd Event dates – 14.12.18 – 01.01.19	1) To grant the licence subject to the Council’s standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>5.1.16</b>	Underbelly Ltd Event date – 18.11.18	1) To grant the licence subject to the Council’s standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>5.1.17</b>	Underbelly Ltd Event dates – 15.12.18 – 05.01.19	1) To grant the licence subject to the Council’s standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.

<b>5.1.18</b>	Underbelly Ltd Event dates – 17.11.18 – 14.12.18	<ol style="list-style-type: none"> <li>1) To grant the licence subject to the Council's standard conditions for this category of licence.</li> <li>2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications.</li> <li>3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.</li> </ol>
<b>5.1.19</b>	Underbelly Ltd Event dates – 31.12.18 – 01.01.19	<ol style="list-style-type: none"> <li>1) To grant the licence subject to the Council's standard conditions for this category of licence.</li> <li>2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications.</li> <li>3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.</li> </ol>
<b>Market Operator Licence (Temporary)</b>		
<b>5.1.20</b>	Underbelly Ltd Event dates – 24.12.18 – 01.01.19	<ol style="list-style-type: none"> <li>1) To grant the licence subject to the Council's standard conditions for this category of licence.</li> <li>2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications.</li> <li>3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.</li> </ol>
<b>5.1.21</b>	Underbelly Ltd Event dates – 24.12.18 – 05.01.19	<ol style="list-style-type: none"> <li>1) To grant the licence subject to the Council's standard conditions for this category of licence.</li> <li>2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications.</li> <li>3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.</li> </ol>
<b>5.1.22</b>	Underbelly Ltd Event dates – 16.11.18 – 13.12.18	<ol style="list-style-type: none"> <li>1) To grant the licence subject to the Council's standard conditions for this category of licence.</li> <li>2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications.</li> </ol>

		3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>5.1.23</b>	Underbelly Ltd Event dates – 17.11.18 – 14.12.18	1) To grant the licence subject to the Council's standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>5.1.24</b>	Underbelly Ltd Event dates – 15.12.18 – 05.01.19	1) To grant the licence subject to the Council's standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>5.1.25</b>	Underbelly Ltd Event dates – 14.12.18 – 05.01.19	1) To grant the licence subject to the Council's standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>5.1.26</b>	Underbelly Ltd Event dates – 16.11.18 – 13.12.18	1) To grant the licence subject to the Council's standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>5.1.27</b>	Underbelly Ltd Event dates – 31.12.18 – 01.01.19	1) To grant the licence subject to the Council's standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications.

		3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>Additio nal Item</b>	Public Entertainment Licence (Temporary) Underbelly Ltd Event dates – 14.12.18 – 05.01.19	1) To grant the licence subject to the Council's standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>Additio nal Item</b>	Public Entertainment Licence (Temporary) Underbelly Ltd Event dates – 16.11.18 – 13.12.18	1) To grant the licence subject to the Council's standard conditions for this category of licence. 2) Subject to point 3 below, to agree to delegate authority to the Regulatory Service Manager to determine future similar applications. 3) To agree that any significant issues or changes would be presented to the Committee for a determination to be made.
<b>Late Hours Catering Licence (Renewal)</b>		
<b>5.1.28</b>	Real Pizza Factory Maciey Troscianko	1) To repel the public objection and grant the licence subject to the Council's standard conditions for this category of licence. 2) To note the undertaking by the applicant to install soundproofing
<b>Late Hours Catering Licence (New)</b>		
<b>5.1.29</b>	Stellar Restaurant (McDonalds, ASDA Chesser) Gary Robert Paterson	To grant the licence subject to the Council's standard conditions for this category of licence.
<b>5.1.30</b>	Italian Connection Mr Karim Elouafkaoui	To continue consideration of the application to the meeting of the Licensing Sub-Committee on 19 November 2018 to allow the applicant to supply evidence of neighbour agreement.
<b>5.1.31</b>	No.1 Kebab Mr Recep Katil	To continue consideration of the application to the meeting of the Licensing Sub-Committee on 19 November 2018 to allow the applicant to attend and to supply evidence of neighbour agreement.

## Houses of Multiple Occupation (Renewal)

<b>5.1.32</b>	<p>17 (2F1) Royal Park Terrace</p> <p>Peter Gibson</p> <p>Agent: Colette Grant, Grant Property Solutions Ltd</p>	To repel the public objection and grant the licence subject to the Council's standard conditions for this category of licence.
<b>5.1.33</b>	<p>25 (2F1) South Clerk Street</p> <p>Mr Zahid Mukhtar</p>	To repel the public objection and grant the licence subject to the Council's standard conditions for this category of licence.
<b>5.1.34</b>	<p>25 (2F2) South Clerk Street</p> <p>Tuyub Mukhtar</p> <p>Agent: Zahid Mukhtar</p>	To repel the public objection and grant the licence subject to the Council's standard conditions for this category of licence.
<b>5.1.35</b>	<p>32 (TF) Drummond Place</p> <p>Claudio Gino Mio</p> <p>Agent: Colette Grant, Grant Property Solutions Ltd</p>	To note that the application had been withdrawn.

## Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday 23 October 2018

### Present

Councillors Fullerton (Convener), Booth (substituting for Councillor Burgess), Dixon, Donaldson (substituting for Councillor Arthur), Mitchell, Munro (substituting for Councillor Wilson), Osler (substituting for Councillor Neil Ross), Rose and Smith.

### 1. Resolution to Consider in Private

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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 Requests for Suspension or Revocation of Licences and Police Comment

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The Sub-Committee considered requests by the Chief Constable to suspend or revoke six 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)

### 3. Request to Recall a Suspension of a Private Hire Driver's Licence

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The Sub-Committee considered a request to recall a suspension of 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.

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

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

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Details were provided of ten 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)

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

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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.

Eight requests had been received for exemptions to this policy. The licence holders 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.

(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, 19 November 2018

## Use of Urgency Provision of Standing Orders to Allow Variation of Licensing Conditions – Street Trader’s Licence — Poppy Scotland

Item number	4.1
Report number	
Executive/routine	
Wards	11 – City Centre
Council Commitment	

### Executive summary

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The Committee is asked to note that an application to street trade in Edinburgh city centre between 21 October and 11 November 2018 was received on 27 September 2018.

The application was dealt with by the relevant Executive Director after consultation with the convenor using the urgency provision within Standing Orders.



## Use of Urgency Provision of Standing Orders to Allow Variation of Licensing Conditions – Street Trader’s Licence — Poppy Scotland

### 1. Recommendations

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- 1.1 The Committee is asked to note that permission was granted to allow street trading between 21 October and 11 November 2018 in the city centre, using the urgency provision of standing orders after consultation with the Convener.

### 2. Background

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- 2.1 The Council licenses street trading under the Civic Government (Scotland) Act 1982.
- 2.2 In general, there is a presumption against street trading in the area sought, as per the Street Trading policy.

### 3. Main report

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- 3.1 On 27 September 2018 the Council received an application to carry out street trading of Poppy Scotland merchandise between 21 October and 11 November.
- 3.2 Normally this matter would be reported to Committee for consideration and decision due to the proposed city centre location. Due to timescales, on this occasion the street trading licence was granted by the Executive Director of Place using urgency provisions within Standing Orders, after consultation with the Convener. The October committee date fell after the period during which the organisation wished to commence trading.
- 3.3 Standing Orders permit Directors to make urgent decisions provided the relevant Convener is consulted. Any such decision is required to be reported thereafter to Committee.

### 4. Measures of success

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- 4.1 Not applicable

### 5. Financial impact

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- 5.1 There are no financial implications arising from this report

## **6. Risk, policy, compliance and governance impact**

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- 6.1 The Council's Standing Orders and Scheme of Delegation were used to resolve this issue.

## **7. Equalities impact**

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

## **8. Sustainability impact**

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

## **9. Consultation and engagement**

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- 9.1 The Convener was consulted prior to the use of emergency powers, as required by Standing Orders.

## **10. Background reading / external references**

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- 10.1 None

### **Andrew Mitchell**

#### **Regulatory Services Manager**

Contact: Andrew Mitchell, Regulatory Services Manager

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## **11. Appendices**

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# Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday, 19 November 2018

## Use of Urgency Provision of Standing Orders to Allow Variation of Licensing Conditions – Cinemas Act 1985 — Scottish Independent Film Festival

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	
<b>Council Commitments</b>	11 City Centre

### Executive summary

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The Committee is asked to note that an application to screen uncertificated films at an Edinburgh cinema as part of the Scottish International Film Festival on 26 October 2018 was received by the Licensing Service on 22 October 2018.

The application was dealt with by the relevant Executive Director after consultation with the convenor using the urgency provision within Standing Orders.

## Use of Urgency Provision of Standing Orders to Allow Variation of Licensing Conditions – Cinemas Act 1985 — Scottish Independent Film Festival

### 1. Recommendations

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- 1.1 The Committee is asked to note that permission was granted to allow specific uncertificated films, from the list of titles circulated, to be shown on 26 October 2018 at Cineworld, Dundee Street, Edinburgh, using the urgency provision of standing orders after consultation with the Convener.

### 2. Background

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- 2.1 Condition 2 of the Council's standard conditions, which applies to all cinema licences, states that only films with certificates from the British Board of Film Classification (BBFC) may be exhibited.
- 2.2 However, condition 3 of the cinema licence conditions allows the exhibition of any film, if the Council's permission is first obtained.
- 2.3 The Committee has given approval for certain venues to show uncertificated films in previous year, most commonly during the film festivals.

### 3. Main report

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- 3.1 On 22 October 2018 the council received notice that it was intended to hold the Scottish Independent Film Festival at Cineworld, Dundee Street, Edinburgh on 26 October 2018.
- 3.2 Normally this matter would be reported to Committee for consideration and decision. Due to timescales, on this occasion the showing of uncertificated films was permitted by the Executive Director of Place using urgency provisions within Standing Orders, after consultation with the Convener.
- 3.3 Standing Orders permit Directors to make urgent decisions provided the relevant Convener is consulted. Any such decision is required to be reported thereafter to Committee.

## **4. Measures of success**

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4.1 Not applicable

## **5. Financial impact**

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5.1 There are no financial implications arising from this report

## **6. Risk, policy, compliance and governance impact**

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6.1 The Council's Standing Orders and Scheme of Delegation were used to resolve this issue.

## **7. Equalities impact**

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

## **8. Sustainability impact**

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

## **9. Consultation and engagement**

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9.1 The Convener was consulted prior to the use of emergency powers, as required by Standing Orders.

## **10. Background reading / external references**

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10.1 None

### **Andrew Mitchell**

#### **Regulatory Services Manager**

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822

## **11. Appendices**

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# Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday, 19 November 2018

## Request for Fee Refund – Public Entertainment Licence – Unique Events

Item number	5.1
Report number	
Executive/routine	
Council Commitments	
Wards	City Centre (11)

### Executive Summary

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The Council has received a request on behalf of Unique Events to agree to accept a reduced application fee for a temporary Public Entertainment Licence.

A fee reduction is sought on the basis that Unique Events has made the application on behalf of Social Bite, which is a registered charity.

## Request for Fee Refund – Public Entertainment Licence – Unique Events

### 1. Recommendations

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- 1.1 It is recommended that the Committee:
  - 1.1.1 notes the terms of the request; and
  - 1.1.2 determine whether to allow the discounted fee of £300.

### 2. Background

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- 2.1 Unique Events has requested that the application fee paid for the required Public Entertainment Licences should be reduced.
- 2.2 The Council agreed that the fees charged for licence applications with effect from 1 April 2018 shall remain unchanged from 2017/18.
- 2.3 Unique Events is a well-established company which has promoted events in the city for several years, including a similar Social Bite Event in 2017.
- 2.4 Historically, fee reductions or refunds for large public entertainment events of this type have only been granted if the organiser is a charity or a community group.
- 2.5 Previous similar applications from non-charities have been refused. Unique Events is not a charity, however the event is intended to facilitate fundraising for Social Bite, a registered charity which provides support for homeless people.

### 3. Main report

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- 3.1 A representative of Unique Events has submitted a written request (Appendix 2), seeking that the application fee paid for a Public Entertainment Licence at West Princes Street Gardens should be partially refunded. A copy of the relevant correspondence is attached to this report at Appendix 2.
- 3.2 Unique Events applied for a similar event on behalf of Social Bite in 2017, for which the full application fee was paid without discount.
- 3.3 The fee structure for 2018/2019 was agreed with effect from 1 April 2018. The applicant has paid the relevant application fee in full. The relevant fee for a Public Entertainment Licence for premises with capacity up to 5,000 is £3,104. A charity would benefit from a discounted fee of £300.

- 3.4 The Council incurs significant costs in dealing with issues arising from licensed premises in the city. These costs are required to be directly recovered from licence fees and not the general revenue account
- 3.5 A representative of the applicant will be invited to address the Committee on the request for the fee reductions.

## **4 Measures of success**

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- 4.1 The premises are licensed in a proportionate and effective manner.

## **5 Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2017. Any reduced fee would be required to be absorbed by the licensing budget for 2018/19, and would in effect mean that other licence fees were used to offset Council costs.

## **6 Risk, policy, compliance and governance impact**

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- 6.1 The fee structure was agreed by full Council. Any reduction risks setting a precedent. However, the Committee has discretion in this matter.

## **7 Equalities impact**

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

## **8 Sustainability impact**

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

## **9 Consultation and engagement**

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- 9.1 Officers of the Council have discussed the licensing requirement with the applicant.

## **10 Background reading/external references**

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- 10.1 [City of Edinburgh Council licence application fees list 2017/18](#)



**Andrew Mitchell**

Regulatory Services Manager

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## **11 Appendices**

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## Licensing Sub-Committee of the Regulatory Committee

19 November 2018

## Applications for Miscellaneous Licences

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
<b>The following have been invited for 2.30pm</b>							
<b>Public Entertainment Licence (Temporary)</b>							
6.1.1	Highland Centre Ltd Mr Mark Currie	Lowland Hall, Royal Highland Centre, Ingliston Road, Edinburgh	Standard Conditions 16:00-00:00 with a maximum capacity of 3500	N/A		N/A	08.12.18
<b>Street Trader Licence (New)</b>							
6.1.2	Edbabel Ltd Mr Marcos Ricoy Vazquez	154 High Street, Edinburgh (outside Royal McGregor Bar)	Standard Conditions	N/A	Representation from Old Town Community Council		26.04.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
6.1.3	Tierras Altas Escocia Ltd Raul Fabregat Valls	144 High Street, Edinburgh (outside The Coffee House)	Standard Conditions and Additional Road Condition	N/A		N/A	23.12.18
<b>Late Hours Catering Licence (New)</b>							
6.1.4	Italian Connection Mr Karim Elouafkaoui	84 Bruntsfield Place, Edinburgh	Standard Conditions Sun-Thurs 23:00- 00:00 Fri-Sat 23:00-01:00	N/A	Police Scotland Representation Licensing Enforcement Representation Continued from the Licensing Sub-Committee of 22 October 2018 to allow applicant to obtain written support from neighbours.	N/A	10.02.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
6.1.5	No. 1 Kebab Mr Recep Katil	222 Morrison Street, Edinburgh	Standard Conditions Sun–Thurs 23:00–01:00 Fri–Sat 23:00-02:00	N/A	Police Scotland Representation Licensing Enforcement Representation Continued from the Licensing Sub-Committee of 22 October 2018 to allow the applicant to attend and provide written support from neighbours.	N/A	30.02.19
6.1.6	Mr Jeger Tayeb	58 Montrose Terrace, Edinburgh	Standard Conditions Sun–Thurs 23:00–01:00 Fri–Sat 23:00–02:00	N/A	Licensing Enforcement Representation	N/A	23.04.19
6.1.7	Mr Huseyin Karatas	74 Walter Scott Avenue, Edinburgh	Standard Conditions Sun-Thurs 23:00-01:00 Fri-Sat 23:00-02:00	N/A	Police Scotland Representation Licensing Enforcement Representation	N/A	02.04.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
<b>Late Hours Catering Licence (New)</b>							
6.1.8	Scotco Northern Ireland Ltd Agent: Caroline Loudon	1 South Charlotte Street, Edinburgh (KFC)	Standard Conditions Sun-Thurs 23:00-02:00 Fri-Sat 23:00-03:00				
<b>House in Multiple Occupation Licences (Renewal)</b>							
6.1.9	Mr Richard & Mrs Alisa Loudon Agent: Mr James Brooks, Splendid Property Management and Brian Morgan, HMO Scotland Ltd	15 (2F1) Montague Street, Edinburgh	4 occupants	Satisfactory	1 public objection	Christine Albright	28.03.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
6.1.10	Mr David William Hunter	45 (2F1) Lauderdale Street, Edinburgh	3 occupants	Satisfactory	2 public objections	Adam Kirrander & Rebekah Lee  Edward Chandler & Ann Jacob-Chandler	04.01.19
6.1.11	Mrs Sandra Harrower  Agent: Mr Dietrich Zank, The Flat Company Ltd	11 (2F) Northumberland Street, Edinburgh	3 occupants	Satisfactory	1 public objection	Professor Duncan Macmillan	28.05.19
<b>House in Multiple Occupation Licence (New)</b>							
6.1.12	Carr Gomm  Agent: Mr Keith Milligan	15 Craiglea Place, Edinburgh	3 occupants	Satisfactory	1 public objection	Julia Wiseman	11.12.18

LICENSING REF NO: 396776

ITEM NO **6.1.1**

**PUBLIC ENTERTAINMENT  
LICENCE**

Temporary

APPLICANT DETAILS: MANAGER	NAME	Highland Centre Limited Mr Mark Currie
PREMISES ADDRESS		Royal Highland Centre, EH28 8NF
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		Advised/ Nature of event
DETERMINATION DATE		8/12/18
<b>NOTES: Electronic Dance Music event with live DJ's. 16:00 – 00:00 with a maximum capacity of 3,500. Held in the Lowland Hall.</b>		

LICENSING REF NO: 391066

ITEM NO **6.1.2**

**STREET TRADER LICENCE**

**New**

APPLICANT DETAILS: MANAGER	NAME	<b>Edbabel Ltd</b> <b>Mr Marcos Ricoy Vazquez</b>
PREMISES ADDRESS		<b>Street record, High Street, Outside 154 High Street, Edinburgh</b>
CONDITIONS RECOMMENDED		<b>Standard Conditions</b>
REPRESENTATIONS RECEIVED		Old Town Community Council
REASON FOR BEING CALLED TO COMMITTEE		<b>Community Council Objection</b>
DETERMINATION DATE		<b>26 April 2019</b>
<b>NOTES: Walking tours street trader, wanting to trade outside Royal McGregor Bar on the High Street.</b> <b>Representation received from Old Town Community Council.</b>		



LICENSING REF NO: 381410

ITEM NO **6.1.3**

**STREET TRADER LICENCE**

**New**

APPLICANT DETAILS: MANAGER	NAME	Tierras Altas Escocia Ltd Raul Fabregat Valls
PREMISES ADDRESS		144 High Street next to The Coffee House EH1 1QS
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		Out-with Council policy
DETERMINATION DATE		23 <sup>rd</sup> December 2018
<p><b>NOTES: Tour group looking to take payment for tours on High Street. One member of staff with one terminal.</b></p> <p><b>Roads condition - No permission is granted to have any structure, including any mobile structure to be placed on the public road at any time to be used for selling tickets or advertising.</b></p>		

LICENSING REF NO: 385425

ITEM NO

6.1.4

**LATE HOURS CATERING  
LICENCE**

**New**

APPLICANT DETAILS: MANAGER	NAME	Mr Karim Elouafkaoui
PREMISES ADDRESS		84 Bruntsfield Place, Edinburgh, EH10 4HG
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Licensing Enforcement Police Scotland
REASON FOR BEING CALLED TO COMMITTEE		Out-with Council policy
DETERMINATION DATE		10/2/19
<b>NOTES: Hours applied for are:</b> Sunday – Thursday 23:00 – 00:00 Friday/Saturday 23:00 – 01:00  “Generally not granted beyond 12 midnight”. Site notice received.  Asked to provide written support from neighbours.		

LICENSING REF NO: 386989

ITEM NO **6.1.5**

**LATE HOURS CATERING  
LICENCE**

**New**

APPLICANT DETAILS: MANAGER	NAME	Mr Recep Katil
PREMISES ADDRESS		222 Morrison Street, EH3 8EA
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Licensing Enforcement Police Scotland
REASON FOR BEING CALLED TO COMMITTEE		Out-with Council policy
DETERMINATION DATE		30/2/19
<p><b>NOTES: Hours applied for are: Sunday – Thursday 23:00 – 01:00 Friday/Saturday – 23:00 – 02:00</b></p> <p><b>“Generally not granted beyond midnight”. Site Notice received.</b></p> <p><b>Continued from October to allow applicant to attend and provide letters of support from neighbours.</b></p> <p><b>Previous calling letter not collected by applicant.</b></p>		

**LATE HOURS CATERING  
LICENCE**

New

APPLICANT DETAILS: MANAGER	NAME	Mr Jeger Tayeb
PREMISES ADDRESS		58 Montrose Terrace, Edinburgh, EH7 5DP
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE		Out-with Council policy
DETERMINATION DATE		23 <sup>rd</sup> April 2019
<b>NOTES: Hours applied for; Sunday to Thursday - 23:00 – 01:00, Friday/Saturday 23:00 – 02:00.</b>  "Generally not granted beyond 12 midnight".		

LICENSING REF NO: 389307

ITEM NO **6.1.7**

**LATE HOURS CATERING  
LICENCE**

**New**

APPLICANT DETAILS: MANAGER	NAME	Mr Huseyin Karatas
PREMISES ADDRESS		74 Walter Scott Avenue, Edinburgh, EH16 5RL
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Licensing Enforcement Police Scotland
REASON FOR BEING CALLED TO COMMITTEE		Out-with Council policy
DETERMINATION DATE		2 April 2019
<b>NOTES: New application and out-with Council policy.</b> <b>"Generally not granted beyond 12 midnight".</b>		

LICENSING REF NO: 393884

ITEM NO **6.1.8**

**LATE HOURS CATERING  
LICENCE**

**New**

APPLICANT DETAILS: MANAGER	NAME	<b>Scotco Northern Ltd Ms Caroline Loudon</b>
PREMISES ADDRESS		<b>1 South Charlotte Street, Edinburgh, EH2 4AN</b>
CONDITIONS RECOMMENDED		<b>Standard Conditions</b>
REPRESENTATIONS RECEIVED		Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE		<b>Out-with Council policy</b>
DETERMINATION DATE		<b>5<sup>th</sup> June 2019</b>
<b>NOTES: Hours applied for; Sunday – Thursday 23:00 – 02:00, Friday/Saturday 23:00 – 03:00.</b>		
<b>“Generally not granted beyond 12 midnight”</b>		
<b>Site Notice Received</b>		

LICENSING REF NO: 381980

ITEM NO

6.1.9

HMO  
RENEWAL

APPLICANT DETAILS:	NAME	<b>Mr Richard Loudon &amp; Mrs Ailsa Loudon</b>
	AGENT	<b>Mr James Brooks, Splendid Property Management</b>
	LODGING AGENT	<b>Mr Brian Morgan, HMO Scotland Ltd</b>
PREMISES ADDRESS		<b>2f1, 15 Montague Street, Edinburgh, EH8 9QT</b>
CONDITIONS APPLIED FOR		<b>Maximum Occupants - 4</b>
24 HOUR CONTACT NUMBER		<b>SATISFACTORY</b>
NOTICE OF APPLICATION		<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED		<b>Christine Airbright</b>
DETERMINATION DATE		28 March 2019
RENEWAL DATE		31 March 2021
<b>NOTES:</b>		

LICENSING REF NO: 375300

**ITEM NO**

**6.1.10**

**HMO  
RENEWAL**

APPLICANT DETAILS: NAME AGENT LODGING AGENT	<b>Mr David William Hunter</b>
PREMISES ADDRESS	<b>2f1, 45 Lauderdale Street, Edinburgh, EH9 1DE</b>
CONDITIONS APPLIED FOR	<b>Maximum Occupants - 3</b>
24 HOUR CONTACT NUMBER	<b>SATISFACTORY</b>
NOTICE OF APPLICATION	<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED	<ul style="list-style-type: none"><li>• <b>Adam Kirrander &amp; Rebekah Lee</b></li><li>• <b>Edward Chandler &amp; Ann Jacob-Chandler</b></li></ul>
DETERMINATION DATE	<b>4 January 2019</b>
RENEWAL DATE	<b>31 January 2021</b>
<b>NOTES:</b>	



LICENSING REF NO: 386736

**ITEM NO**

**6.1.11**

**HMO  
RENEWAL**

APPLICANT DETAILS:	NAME	<b>Mrs Sandra Harrower</b>
	AGENT	<b>Mr Dietrich Zank, The Flat Company Ltd</b>
	LODGING AGENT	<b>The Flat Company Ltd</b>
PREMISES ADDRESS		<b>2f, 11 Northumberland Street, Edinburgh, EH3 6LL</b>
CONDITIONS APPLIED FOR		<b>Maximum Occupants - 3</b>
24 HOUR CONTACT NUMBER		<b>SATISFACTORY</b>
NOTICE OF APPLICATION		<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED		<b>Professor Duncan Macmillan</b>
DETERMINATION DATE		<b>28 May 2019</b>
RENEWAL DATE		<b>31 May 2021</b>
<b>NOTES:</b>		

LICENSING REF NO: 374632

ITEM NO

6.1.12

HMO  
NEW

APPLICANT DETAILS:	NAME	<b>Carr Gomm</b>
	AGENT	<b>Mr Keith Milligan, Carr Gomm</b>
	LODGING AGENT	
PREMISES ADDRESS		<b>15 Craiglea Place, Edinburgh, EH10 5QA</b>
CONDITIONS APPLIED FOR		<b>Maximum Occupants - 3</b>
24 HOUR CONTACT NUMBER		<b>SATISFACTORY</b>
NOTICE OF APPLICATION		<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED		<b>Julia Wiseman</b>
DETERMINATION DATE		11 December 2018
RENEWAL DATE		1 Year from date of grant
<b>NOTES:</b>		