

Item 3.2 - Minutes

Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday 20 May 2019

Present

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

1. Minutes

Decision

- 1) To approve the minute of the additional meeting of the Licensing Sub-Committee of 16 April 2019 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 23 April 2019 as a correct record.
- 3) To approve the minute of the Licensing Sub-Committee of 30 April 2019 as a correct record.
- 4) To approve the minute of the additional meeting of the Licensing Sub-Committee of 9 May 2019 as a correct record.

2. Parades and Processions: May – June 2019

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

Decision

1) School Strike for Climate Change

To make an Order in respect of the proposed School Strike for Climate on 24 May 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.
- iv) That further discussions take place between the organisers, Police Scotland and Public Safety officers.

2) James Connolly Commemoration

To make an Order in respect of the proposed James Connolly Commemoration on 8 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. Cinemas Act 1985 – Variation of Licensing Conditions – Edinburgh International Film Festival 2019

A request was received for authorisation to screen uncertificated films during the Edinburgh International Film Festival 2019.

Decision

To **GRANT** permission to allow specific uncertificated films, from the list of titles circulated, to be shown as part of the 2019 event between 19 and 30 June 2019 at the venues listed in Appendix 1 of the report.

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

4. Request for Variation of HMO Licence - Flat 4, 24 Learmonth Gardens, Edinburgh

Following a complaint from the owners of the flat below the property, it had been established that the property in question had insufficient deafening under the floorboards to prevent noise disturbance. Sound transmission from Flat 4, 24 Learmonth Gardens into the property below was excessive, and exceeded levels normally expected in tenement living.

The Directorate of Place requested that the Licensing Sub Committee considered varying the HMO licence for the property at Flat 4, 24 Learmonth Gardens, Edinburgh.

Decision

To **VARY** the licence to add a condition stating that "The licence holder will reinstate the traditional floor construction of 75mm of ash deafening, supported on deafening boards, throughout the property. The reinstatement to be completed within a period of three months unless an alternative timescale is agreed in writing with the Executive Director of Place.

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

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

Details were provided of 18 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 (Renewal)		
7.1.1	Tania Eadie	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 17 June 2019 to allow the applicant to attend.
Street Trader Licence (Variation)		
7.1.2	Graham Brunton Newcraighall Road, Edinburgh	To VARY the licence to remove standard condition 18 and therefore allow the licence holder to keep the vehicle to which the licence refers in the trading location overnight.
Street Trader Licence (Renewal)		
7.1.3	Benny Yadgarian Rose Street, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 17 June 2019 to allow the applicant to attend.
7.1.4	Blair McNeill Stance 13, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the Licensing Sub-Committee meeting on 17 June 2019 to allow the Regulatory Services Manager to clarify the current position with the applicants.
7.1.5	Chandra Mather Stance 10, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the Licensing Sub-Committee meeting on 17 June 2019 to allow the Regulatory Services Manager to clarify the current position with the applicants.
7.1.6	Adam Macintosh Stance 7, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the Licensing Sub-Committee meeting on 17 June 2019 to allow the Regulatory Services Manager to clarify the current position with the applicants.
7.1.7	Elizabeth Hiller Stance 8, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the Licensing Sub-Committee meeting on 17 June 2019 to allow the Regulatory Services Manager to clarify the current position with the applicants.

7.1.8	Jane Edgell Stance 1, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the Licensing Sub-Committee meeting on 17 June 2019 to allow the Regulatory Services Manager to clarify the current position with the applicants.
7.1.9	William Green Stance 11, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the Licensing Sub-Committee meeting on 17 June 2019 to allow the Regulatory Services Manager to clarify the current position with the applicants.
7.1.10	Elizabeth Tainsh Stance 12, Playfair Steps, Edinburgh	To CONTINUE consideration of the application to the Licensing Sub-Committee meeting on 17 June 2019 to allow the Regulatory Services Manager to clarify the current position with the applicants.
Street Trader Licence (New)		
7.1.11	Tudor Dinu St Leonard's Street, Edinburgh	To REFUSE the application in terms of paragraphs 5 (3) (c) (i) of Schedule 1 of the Civic Government (Scotland) Act 1982.
7.1.12	Lukas Chef Mr Lukasz Nagiewicz	To note that the application had been WITHDRAWN at the request of the applicant.
Late Hours Catering Licence (New)		
7.1.13	Mr Muhammad Rashad 56 South Clerk Street, Edinburgh	To GRANT the licence for policy hours only Sun to Sat 23:00 to midnight subject to the Council's standard conditions for this category of licence.
7.1.14	Mr Ammar Othman 21 Forrest Road, Edinburgh	To GRANT the licence for policy hours only Sun to Sat 23:00 to midnight subject to the Council's standard conditions for this category of licence. (on a division) See note 1.
House in Multiple Occupation Licences (Renewal)		
7.1.15	81 Colinton Mains Road, Edinburgh Redcroft Care Homes Ltd Mr Rajen Mawjee	To repel the public objection and GRANT the licence for a period of six months subject to 1) the Council's standard conditions for this category of licence; 2) an additional condition that the licence holder will appoint an agent to oversee the day to day running of the facility; and

		3) an additional condition that the licence holder will install appropriate soundproofing throughout the premises during the 6 month licence period.
7.1.16	2 Spence Street, Edinburgh Mr Asif Sohail Usmani & Mrs Saadia Usmani Agent: Ms Gemma Gilmour, Edinburgh University Accommodation Services	To repel the public objection and GRANT the licence for a period of one year subject to the Council's standard conditions for this category of licence.
7.1.17	16(1F2) Warrender Park Crescent, Edinburgh Ms Rebecca Agent: Mrs Rachel MacDonell, Braemore	To repel the public objection and GRANT the licence subject to the Council's standard conditions for this category of licence.
House in Multiple Occupation Licences (New)		
7.1.18	90 (1F1) Hamilton Place, Edinburgh Bruce Edward Walker Discretionary Trust Lodging agent: Julie Corbett	To repel the public objection and GRANT the licence for a period of one year subject to the Council's standard conditions for this category of licence.

Note 1

Item 7.1.14 – Late Hours Catering (Renewal) – Mr Ammar Othman

Motion

To **GRANT** the licence for policy hours only Sun to Sat 23:00 to midnight subject to the Council's standard conditions for this category of licence.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment

To **CONTINUE** consideration of the application to the Licensing Sub-Committee meeting on 17 June 2019 to allow the applicant to get neighbour consent for the additional hours requested.

- moved by Councillor Smith, seconded by Councillor Osler

Voting

For the motion - 5 votes

For the amendment - 3 votes

(For the motion – Councillors Burgess, Dixon, Fullerton, Howie and Munro.

For the amendment – Councillors Mitchell, Osler and Smith.)

Decision

To **GRANT** the licence for policy hours only Sun to Sat 23:00 to midnight subject to the Council's standard conditions for this category of licence.