

## Notice of Meeting and Agenda

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### Regulatory Committee

**Friday 19 August 2011 at 9.30 am**  
**in the City Chambers, High Street, Edinburgh**

**1 Order of Business**

Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

**2 Declaration of Interests**

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** (circulated – submitted for approval as correct records).

**(1) Regulatory Committees of 20 May and 17 June 2011.**

**(2) Licensing Sub-Committees of 18, 20 May, 17, 22 June and 20 July 2011.**

### Deputations

**4 Deputation Requests** (if any).

### Taxi Licensing

**5 Taxi and Private Hire Car Licensing – Use of Spare Wheel Carrier** – report by the Acting Director of Corporate Services (circulated).

**6 Houses in Multiple Occupation – Delegated Powers – Temporary Exemption Orders – Housing (Scotland) Act 2006** – report by the Acting Director of Corporate Services (circulated).

**Alastair Maclean**  
Head of Legal and Administrative Services

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**Notes:**

- 1) Members are reminded that they may appoint substitutes. If members intend to appoint substitutes, they should contact Aileen McGregor, Committee Services, City of Edinburgh Council, City Chambers, High Street, Edinburgh EH1 1YJ, Tel: 0131 529 4325 or e-mail: [aileen.mcgregor@edinburgh.gov.uk](mailto:aileen.mcgregor@edinburgh.gov.uk)
- 2) A copy of the agenda and papers for the public part of this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.
- 3) The agenda, minutes and public reports for all the main council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol). Members and Officers of the Council can also view them by going to the Orb and clicking on Council Papers Online.
- 4) If you have any questions about the agenda or meeting arrangements please contact Aileen McGregor, Committee Services, City of Edinburgh Council, City Chambers, High Street, Edinburgh EH1 1YJ, Tel: 0131 529 4325 or e-mail: [aileen.mcgregor@edinburgh.gov.uk](mailto:aileen.mcgregor@edinburgh.gov.uk)

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<b>Membership</b>	Councillor Munn (Convener) Councillor Lang (Vice-Convener) Councillor Cairns Councillor Henderson Councillor McKay	Councillor Kate MacKenzie Councillor Mowat Councillor Perry Councillor Snowden
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## Committee Minutes

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# Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 18 May 2011

**Present:** - Councillors Cairns (In the chair), Henderson, McKay and Mowat.

### 1 Chair

In the absence of the Convener and Vice-Convener, Councillor Cairns was appointed to the Chair

### 2 Wheelchair Accessible Taxis – Fitness of Taxi Drivers

The Acting Director of Corporate Services provided details of 6 requests from taxi drivers for exemptions from compliance with condition 129 of the Council's Standard Licensing Condition for Taxis, Private Hire Cars, Taxi Drivers and Private Car Hire Drivers on the basis of a medical condition.

The Council's Medical Adviser had recommended that the exemptions be granted as detailed in the appendix to the report by the Director of Corporate Services.

#### Decision

To grant the exemptions as detailed in the report by the Director of Corporate Services.

(Reference – report by the Acting Director of Corporate Services, submitted.)

### 3 Resolution to Consider in Private

The Sub-Committee, under Section 50 (A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of part 1 of schedule 7(A) of the Act.

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

The Acting Director of Corporate Services provided details of 19 applications for Miscellaneous Licences under the Civic Government (Scotland) Act 1982.

The Committee agreed in the interests of public safety, to hear objections to applications submitted outwith the statutory period in terms of Paragraph 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

##### **Decision**

That the applications be determined as detailed in the Confidential Schedule signed by the Convener, with reference to this minute.

(Reference- applications, letters in relation to items B1.1, B1.12, B1.18 and B1.19 submitted)

#### **5 Application For Grant of Taxi Licence (agenda item B2)**

The Acting Director of Corporate Services provided details of an application for the grant of a new taxi licence.

The Sub-Committee was invited to consider whether or not to grant the licence.

The applicant's representative was heard.

##### **Decision**

To continue consideration of the matter for confirmation by the existing licence holder to the Head of Legal and Administrative Services of their intention to surrender one of their existing licences prior to any new licence being issued.

(Reference report by the Acting Director of Corporate Services, submitted)

#### **6 Private Hire Car Driver's Licence – Application (agenda item B3)**

The Acting Director of Corporate Services provided details of a medical report in respect of an application for a Private Hire Car Driver's licence.

The Sub-Committee was invited to consider whether or not to grant the licence.

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**Decision**

To grant the licence subject to the Council's Standard Licensing Conditions.

(Reference – report by the Acting Director of Corporate Services, submitted)

**7 Private Hire Car Driver's Licence – Suspension (agenda item B4)**

The Acting Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Private Hire Car Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

**Decision**

To note that the request for suspension by the Chief Constable had been withdrawn.

(Reference – report by the Acting Director of Corporate Services, submitted)

**8 Private Hire Car Driver's Licence – Suspension (agenda item B5)**

The Acting Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Private Hire Car Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

**Decision**

- 1) Not to suspend the licence.
- 2) To issue a warning to the licence holder about his future conduct.

(References – report by the Acting Director of Corporate Services, submitted)

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## **9 Taxi Driver's Licence – Suspension (agenda item B6)**

The Acting Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Taxi Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

### **Decision**

To continue consideration of the matter pending the outcome of legal proceedings.

(Reference – report by the Acting Director of Corporate Services, submitted.)

## **10 Wheelchair Accessible Taxis – Fitness of Taxi Driver (Agenda item B7)**

The Acting Director of Corporate Services provided details of a request from a taxi driver for a permanent exemption from compliance with condition 129 of the Council's Standard Licensing Condition for Taxis, Private Hire Cars, Taxi Drivers and Private Car Hire Drivers on the basis of a medical condition.

The Council's Medical Adviser had recommended that the exemption be granted for a period of one year.

The licence holder was heard.

### **Decision**

1. To grant an exemption from compliance with Condition 129 of the Council's Standard Licensing Conditions for one year.
2. The Head of Legal and Administrative Services to request further information from the applicants GP in respect of the request for a permanent exemption.

(Reference - report by the Acting Director of Corporate Services, submitted)

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## **11 Taxi Driver's Licence – Renewal Application (Agenda item B8)**

The Acting Director of Corporate Services provided details of a report by the Council's Medical Advisor against a holder of a Taxi Driver's Licence advising that he was unfit to drive and invited the Sub-Committee to consider whether or not to renew the licence, with or without immediate effect.

The licence holder was heard.

### **Decision**

1. To renew the licence subject to the Council's Standard Licensing Conditions.
2. That this matter only be returned for consideration by the Sub-Committee if there was a deterioration in the licence holder's condition.

(Reference- report by the Acting Director of Corporate Services, submitted)

## Committee Minutes

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# Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 20 May 2011

**Present:-** Councillors Lang (Vice-Convenor), Cairns, Henderson, McKay, Mowat and Perry.

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

Details were provided of 19 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

#### **Decision**

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

(Reference – list of applications, submitted.)

### 2 Chair

Councillor Lang was in the Chair for consideration of miscellaneous licence applications item numbers 3.2 to 3.7.

Councillor Cairns was appointed to the Chair for consideration of the remaining items of business.

### 3 House in Multiple Occupation Licence- CPM Management – Tenancy Management Procedures

On 3 December 2010, following consideration of an application for an HMO licence at 4 Haddington Place, the Sub-Committee repelled an objection and granted the application subject to the Council's standard conditions for this category of licence. In addition, the Sub-Committee requested the Director of



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Services for Communities to report on the managing agent's procedures for tenancy management.

The findings from the review of the tenancy management procedures of the managing agent, CPM Edinburgh, were detailed.

**Decision**

To note the report.

(References – Licensing Sub-Committee of the Regulatory Committee 3 December 2010 (item 8); report by the Director of Services for Communities, submitted.)

**4 Civic Government (Scotland) 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – John Knox District No 5 Morning and Afternoon Parades, Saturday 25 June 2011**

Details were provided of a proposed public parade.

**Decision**

To grant approval for the event subject to:

- 1) the conditions agreed by the Chief Constable; and
- 2) the organiser's agreement to adhere to the recommendations of the Events Planning and Operations Group.

(Reference – report by the Head of Legal and Administrative Services, submitted.)

**5 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – Independent County Grand Orange Lodge Parade, Saturday 25 June 2011**

Details were provided of a proposed public parade.

**Decision**

To grant approval for the event subject to:

- 1) the conditions agreed by the Chief Constable; and

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- 2) the organiser's agreement to adhere to the recommendations of the Events Planning Operations Group.

(Reference – report by the Head of Legal and Administrative Services, submitted.)

**6 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – Apprentice Boys of Derry Procession, Saturday 28 May 2011**

Details were provided of a proposed public procession.

**Decision**

To grant approval for the event subject to:

- 1) the conditions agreed by the Chief Constable; and
- 2) the organiser's agreement to adhere to the recommendations of the Events Planning Operations Group.

(Reference – report by the Head of Legal and Administrative Services, submitted.)

**7 Cinemas Act 1985 – Request for Variation of Licensing Conditions – Edinburgh International Film Festival**

A request had been received from the Edinburgh International Film Festival for authorisation to screen films uncertified by the British Board of Film Classification (BBFC).

**Decision**

To vary the Council's standard conditions of licence to allow screening of films without BBFC classification subject to the condition that films without BBFC classification be screened at indoor venues.

(Reference – report by the Acting Director of Corporate Services, submitted.)

## **8 Request for a Reduction of Fees – Public Entertainment Licence – Beltane Fire Festival**

A request had been received from the organisers of the Beltane Fire Festival for a reduction of the application fee in respect of a Public Entertainment Licence for the 2011 Fire Festival.

### **Decision**

To approve a reduction in the application fee to £1,000 for 2011 only for a Public Entertainment Licence submitted by the organisers of the Beltane Fire Festival.

(Reference – report by the Acting Director of Corporate Services, submitted.)

## **9 Resolution to Consider in Private**

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

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

Details were provided of 13 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

### **Decision**

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

(Reference – list of applications, submitted.)

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**APPENDIX**

(As referred to in item 1 of the foregoing minute)

**Applications for Miscellaneous Licences**

Item No	Applicant	Premises/ Location	Conditions applied for	Determination Date	Decision
<b>House in Multiple Occupation Licence</b>					
1	Afzal Boksh	378 (Flat 4) Easter Road	3 Occupants	04.09.11	<p>To repel the objections and grant the application subject to:</p> <ol style="list-style-type: none"> <li>1) the Council's Standard Licensing Conditions for this category of licence and also that the licence shall not come into effect until a date agreed by the Council's Joint Inspection Team where there has been full compliance of the Council's Standards for Houses in Multiple Occupation;</li> <li>2) the installation of carpets with good quality underlay throughout the property;</li> <li>3) the applicant to confirm in writing that the site notice had been displayed; and</li> </ol>

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					4) the applicant to employ a managing agent to carry out the day to day management of the property and to provide details of the day-to-day management arrangements.
2	Elizabeth Fieldman	26 (3F1) Harrison Gardens	5 Occupants	22.09.11	To refuse the application in terms of Paragraphs 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982.
3	Elizabeth Fieldman	51 (3F2) Morningside Road	6 Occupants	24.09.11	To refuse the application in terms of Paragraphs 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982.
4	Elizabeth Fieldman	98 (3F3) East Claremont Street	5 Occupants	23.09.11	To refuse the application in terms of Paragraphs 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982 and non-compliance with the Council's Standards for Houses in Multiple Occupation.

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5	Elizabeth Fieldman	44 (3F2) Montpelier Park	6 Occupants	22.09.11	<p>1) Continued to meeting on 17 June 2011 for a further report by the Joint Inspection Team on outstanding issues.</p> <p>2) To invite the objector to submit a summary of his comments in writing.</p>
6	Elizabeth Fieldman	13 (3F1) Polwarth Crescent	5 Occupants	23.09.11	To refuse the application in terms of Paragraphs 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982.
7	Elizabeth Fieldman	11 (3F1) Hillside Street	5 Occupants	25.09.11	To refuse the application in terms of Paragraphs 5(3)(c)(i),(v) & (d) of the Civic Government (Scotland) Act 1982.
<b>Late Hours Catering Licence</b>					
8	Helen Manders	44 Ferry Road Drive	<p>Sun – Thurs 1200-0000</p> <p>Fri – Sat 1200-0100</p>	24.06.11	<p>To grant the application subject to</p> <p>1) the Council's Standard Licensing Conditions for this category of licence; and</p> <p>2) the applicant obtaining planning permission for the operation of the site.</p>

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Item No	Applicant	Premises/ Location	Conditions applied for	Determination Date	Decision
<b>Street Trader Licence (Variation)</b>					
9	Kevin Craig	Mobile Kiosks at Various Car Park and Rides within Edinburgh	Until 30 June 2012	N/A	<p>1) To grant the application to vary the existing licence to allow mobile units at the operating sites.</p> <p>2) To note that it is a condition of the licence that the mobile units be removed at the end of trading hours.</p> <p>3) The applicant to liaise with Council officials and to obtain leases allowing him to trade at the sites.</p>
<b>Street Trader Licence</b>					
10	Cairnsouth Limited	Shandwick Place	<p>Hot and Cold Food</p> <p>Sun – Thurs 2200-0200</p> <p>Fri &amp; Sat 2200-0300</p>	N/A	Continued to meeting on 17 June 2011 for clarification of issues related to food hygiene certification.
<b>Second Hand Dealer Licence (Variation)</b>					
11	Cheque Centres Limited	681 Ferry Road	To add "Cash for Old Mobile Phone" services in store	28.10.11	Continued to the meeting on 17 June 2011 for Police report on the day to day manager of the premises.

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Item No	Applicant	Premises/ Location	Conditions applied for	Deter- mination Date	Decision
<b>Second Hand Dealer Licence</b>					
12	Terncove Limited  t/a We-Pay	23 Leith Walk	Buying goods for cash	17.08.11	To grant the application subject to the Council's Standard Licensing Conditions for this category of licence and subject to receipt of details of the named day to day manager.
<b>House in Multiple Occupation Licence</b>					
13	Shastra Property & Develop- ment  (Day to day Manager D J Alexander/ Agent HMO Scotland)	7 Murieston Crescent Lane	3 Occupants	16.11.11	To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence.
14	Croftmartin Limited  (Dat to Day Manager Emma Fursman/ Agent Dunpark Limited)	13 (2F1) Rochester Terrace	4 Occupants	21.09.11	To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence.



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<b>Item No</b>	<b>Applicant</b>	<b>Premises/ Location</b>	<b>Conditions applied for</b>	<b>Deter- mination Date</b>	<b>Decision</b>
15	Kam Wai Yip  (Day to Day Manager James Drynan per Edinburgh Property Management)	25 (1F2) Marchmont Road	3 Occupants	26.01.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence and also that the licence shall not come into effect until a date agreed by the Council's Joint Inspection Team where there has been full compliance with the Council's Standards for Houses in Multiple Occupation.
16	Hugh Coulter  (Day to Day Manager/ Agent Isobel Collier, Edinburgh University)	35 (2F2) Spottiswoode Street	4 Occupants	30.01.12	To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence and also subject to the installation of carpets with good quality underlay throughout the property.
17	Audrey Walters  (Day to Day Manager/ Agent The Flat Company)	31 (3F1) Arden Street	4 Occupants	31.01.12	To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence.

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<b>Item No</b>	<b>Applicant</b>	<b>Premises/ Location</b>	<b>Conditions applied for</b>	<b>Deter- mination Date</b>	<b>Decision</b>
18	Sheila Margaret Dodds	34 (1F1) Warrender Park Terrace	3 Occupants	09.02.12	To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence.
19	Stephen Armstrong  (Day to Day Manager Derek Gavine)	25 (3F2) Marchmont Road	4 Occupants	07.02.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence and also that the licence shall not come into effect until a date agreed by the Council's Joint Inspection Team where there has been full compliance with the Council's Standards for Houses in Multiple Occupation.

## Committee Minutes

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# Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 17 June 2011

**Present:-** Councillors Munn (Convener), Lang (Vice-Convener), Cairns, Henderson, McKay, Mowat, Perry and Snowden.

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

Details were provided of 22 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

#### **Decision**

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

(Reference – list of applications, submitted.)

#### **Dissent**

Councillor Cairns asked that his dissent from the decision on application number 3.9 be recorded.

### 2 Chair

Councillor Lang was in the Chair for consideration of miscellaneous licence applications item numbers 3.5 and 3.6.

### **3 Resolution to Consider in Private**

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

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

Details were provided of 10 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

#### **Decision**

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

(Reference – list of applications, submitted.)

#### **Dissent**

Councillor Cairns asked that his dissent from the decision on application number B 1.1, as detailed in the Confidential Schedule, be recorded.

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**APPENDIX**

(As referred to in item 1 of the foregoing minute)

**Applications for Miscellaneous Licences**

Item No	Applicant	Premises	Conditions applied for	Determination Date	Decisions
<b>Market Operator's Licence (New)</b>					
1	French Food Company	Jubilee Gardens Saunders Street Kerr Street	20.05.11 to 20.05.12	20.10.11	<p>To repel the objections and grant the application subject to:</p> <ol style="list-style-type: none"> <li>1) the Council's Standard Licensing Conditions for this category of licence and also that the licence shall not come into effect until all outstanding public safety issues had been concluded to the satisfaction of the Director of City Development;</li> <li>2) access to the site is not permitted before 9 am on Sundays;</li> <li>3) the use of amplified music or PA system is not permitted; and</li> <li>4) the applicant obtaining planning permission for the operation of the site.</li> </ol>

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Item No	Applicant	Premises	Conditions applied for	Determination Date	Decisions
<b>House in Multiple Occupation Licence (Renewal)</b>					
2	Stuart Briggs	231 (3F1) Morningside Road	3 Occupants	29.11.11	To repel the objection and grant the application subject to the Council's Standard Licensing Conditions for this category of licence.
3	David Ian Wintour	79 (3F1) Marchmont Road	3 Occupants	29.12.11	To refuse the application in terms of Paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982.
4	Heather Burnside  Day to day manager/ Agent Capital Lettings	15 (2F1) Cathcart Place	5 Occupants	23.11.11	To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence and that the licence shall not come into effect until a date agreed by the Council's Joint Inspection Team where there has been full compliance of the Council's Standards for Houses in Multiple Occupation.

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Item No	Applicant	Premises	Conditions applied for	Determination Date	Decisions
<b>House in Multiple Occupation Licence (New)</b>					
5	Elizabeth Fieldman	44 (3F2) Montpelier Park	6 Occupants	22.09.11	<p>1) Continued to 19 August 2011 to allow the applicant to obtain planning permission and to allow the outstanding issues detailed in the joint inspection report of 10 May 2011 to be resolved.</p> <p>2) To seek assurance from the applicant that no new tenants will occupy the premises until all outstanding issues have been resolved.</p>
6	Khwaja Akbar Mir	26 Pilrig Street	12 Occupants	12.02.12	To repel the objections and delegate authority to the Acting Director of Corporate Services to grant the application subject to the Council's Standard Licensing Conditions for this category of licence when the property has been cleared for grant by the Council's Joint Inspection Team.

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Item No	Applicant	Premises	Conditions applied for	Determination Date	Decisions
<b>Street Trader (New)</b>					
7	Cairnsouth Limited	Shandwick Place	Hot and Cold Food  Sun – Thurs 2200-0200  Fri & Sat 2200-0300	17.08.11	To note that the application had been withdrawn.
<b>Second Hand Dealer Licence (Variation)</b>					
8	Cheque Centres Limited	681 Ferry Road	To add “Cash for Old Mobile Phone” services in store	28.10.11	To delegate authority to the Acting Director of Corporate Services to grant variations to the existing licence in relation to:  1) the addition of “Cash For Old Mobile Phone” services in store;  2) the change of named day to day manager of the premises.
<b>Second Hand Dealer Licence (New)</b>					
9	James T Collin	Kirktonhill, Baird Road, Ratho	N/A	09.09.11	To grant the application subject to:  1) the Council’s Standard Licensing Conditions for this category of licence; and  2) the applicant obtaining planning permission for the operation of the site.



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Item No	Applicant	Premises	Conditions applied for	Determination Date	Decisions
<b>Late Hours Catering Licence (Renewal)</b>					
10	McDonald's Restaurants Limited	3-6 St Andrew Square	Sun – Thur 23.00 – 02.00  Fri – Sat 23.00 – 03.00	20.10.11	To grant the application subject to:  1) the Council's Standard Licensing Conditions for this category of licence; and  2) that door stewarding be employed on Fridays and Saturdays.
11	SS North Limited and Julie Martin	Subway – 43 Hanover Street	Sun 09.00 – 19.00 Mon - Thursday 08.00 – 19.00 Fri & Sat 08.00 – 04.00	31.07.11	To grant the application for the hours of 2300-0300 on Fridays and Saturdays in line with the Council's policy on Late Hours Catering subject to:  1) the Council's Standard Licensing Conditions for this category of licence; and  2) the applicant to provide the Chief Constable with contact details of the manager of the Hanover Street and South Bridge stores.

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Item No	Applicant	Premises	Conditions applied for	Determination Date	Decisions
<b>Street Trader, Non Food With Employee</b>					
12	Benny Yadgarian	Stance 5, Playfairs Steps	Jewellery and Craft	22.09.11	<p>To grant the application subject to:</p> <ol style="list-style-type: none"> <li>1) the Council's Standard Licensing Conditions for this category of licence; and</li> <li>2) an additional condition that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder.</li> </ol>
13	Benny Yadgarian	Corner of Rose Street and Rose Street Lane North	Jewellery and Craft	22.09.11	<ol style="list-style-type: none"> <li>1) To note that the application had been withdrawn.</li> <li>2) To invite the applicant to submit a new application for an alternative location and that the application fee already paid be applied to any new application.</li> </ol>

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Item No	Applicant	Premises	Conditions applied for	Determination Date	Decisions
<b>Street Trader (New)</b>					
14	David R Espona	Calder Road	Hot and Cold Food	24.08.11	<p>1) To note that the application had been withdrawn.</p> <p>2) To invite the applicant to submit a new application for an alternative location and that the application fee already paid be applied to any new application.</p>
15	Caroline Johnstone	Calder Road, Sighthill Industrial Estate	Hot and Cold Food	02.09.11	Continued to 19 August 2011 to allow discussions on a suitable alternative location.
<b>House in Multiple Occupation Licence</b>					
16	Proper Wave Investments Ltd  (Day to day manager John Fursman /Agent Dunpark Limited)	21 (3F2) Thirlestane Road  (New application)	4 Occupants	17.12.12	To repel the objection and grant the application subject to the Council's Standard Licensing Conditions for this category of licence.
17	Jane Alexandra Baillie  (Day to Day Manager James Drynan/Agent Edinburgh Property Management)	21 (1F2) Thirlestane Road  (Renewal application)	4 Occupants	20.02.12	To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence and also subject to the installation of carpets with good quality underlay in bedroom 3 of the property.

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17 June 2011

<b>Item No</b>	<b>Applicant</b>	<b>Premises</b>	<b>Conditions applied for</b>	<b>Determination Date</b>	<b>Decisions</b>
18	Jan Caroline Kinnear  (Day to Day Manager Lewis Ross Kinnear / Agent Jan Caroline Kinnear)	9 (2F1) Merchiston Crescent  (New application)	4 Occupants	12.02.12	To repel the objections and grant the application subject to the Council's Standard Licensing Conditions for this category of licence.
19	New Caledonian Properties Ltd  (Day to Day Manager James Brooks for Splendid Property Ltd/Agent Robert Lindsay)	70 (2F1) Strathearn Road  (Renewal application)	4 Occupants	12.02.12	1) To repel the objection and grant the application subject to the Council's Standard Licensing Conditions for this category of licence and also that the licence shall not come into effect until a date agreed by the Council's Joint Inspection Team where there has been full compliance of the Council's Standards for Houses in Multiple Occupation.

Licensing Sub-Committee of the Regulatory Committee  
17 June 2011

<b>Item No</b>	<b>Applicant</b>	<b>Premises</b>	<b>Conditions applied for</b>	<b>Determination Date</b>	<b>Decisions</b>
					2) Director of Services for Communities to write to owners of all HMO properties in the stair advising them of tenants' behaviour and their responsibilities in this area.
20	Majjo Homayoun-Valiani	65 Montpelier Park  (Renewal application)	4 Occupants	16.02.12	Continued to 19 August 2011 at the request of the applicant.
21	Dario Margiotta  (Day to Day Manager/Agent James Drynan for Edinburgh Property Management)	9 (1F1) Spottiswoode Road  (Renewal application)	3 Occupants	18.02.12	To repel the objection and grant the application subject to the Council's Standard Licensing Conditions for this category of licence.
22	Corrine Williams  (Day to Day Manager Peter Grant t/a Grant Management)	87 (3F2) Bruntsfield Place  (New application)	5 Occupants	20.02.12	To repel the objection and grant the application subject to the Council's Standard Licensing Conditions for this category of licence.

## Committee Minutes

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# Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 22 June 2011

**Present:-** Councillors Munn (Convener), Cairns, Henderson, McKay, Mowat and Perry.

### 1 Applications for Variation of Private Hire Car “Pre-Booked Hire Only Door Sticker” Licensing Conditions – Roderick Rowan, Kirsty Robertson and Graeme Wheelaghan

The Sub-Committee was invited to consider requests for a variation of Licensing Conditions to three Private Hire Car Licences so to remove the requirement for “Pre-Booked Hires Only” door stickers.

The applicants were heard.

#### Decision

##### Roderick Rowan

- 1) To vary the terms of the Licence and remove the requirement for “Pre-Booked Hires Only” door stickers, subject to the requirement that the rear licence plate carried the wording “Door Sticker Exemption”.
- 2) That the Applicant provide evidence that significant hotel contract work was still being carried out when the licence was due for renewal.

##### Kirsty Robertson

Not to vary the terms of the Licence.

##### Graeme Wheelaghan

- 1) To vary the terms of the Licence and remove the requirement for “Pre-Booked Hires Only” door stickers, subject to the requirement that the rear licence plate carried the wording “Door Sticker Exemption”.

Licensing Sub-Committee of the  
Regulatory Committee  
22 June 2011

- 2) That the Applicant provide evidence that significant hotel contract work was still being carried out when the licence was due for renewal.

(References – report by the Acting Director of Corporate Services, submitted; letters of support for Graeme Wheelaghan, tabled.)

## **2 Resolution to Consider in Private**

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

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

The Acting Director of Corporate Services provided details of 15 applications for Miscellaneous Licences under the Civic Government (Scotland) Act 1982.

The Committee agreed in the interests of public safety, to hear objections to applications submitted outwith the 21 and 28 day periods in terms of Paragraph 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Convener had ruled that item B1.15, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order to allow the matter to be dealt with timeously.

### **Decision**

That the applications be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(References – applications submitted; item B1.15, tabled.)

## **4 Application for Grant of Taxi Licence (agenda item B2)**

The Sub-Committee at its meeting on 18 May 2011 had continued consideration of the matter for confirmation by the existing licence holder to the Head of Legal and Administrative Services of their intention to surrender one of their existing licences prior to any new licence being issued.

Licensing Sub-Committee of the  
Regulatory Committee  
22 June 2011

The Acting Director of Corporate Services provided details of an application for the grant of a new taxi licence.

The Sub-Committee was invited to consider whether or not to grant the licence.

The applicant and the existing licence holder were heard.

**Decision**

To grant the licence subject to the Council's Standard Licensing Conditions and the following condition: 'The licence will not take effect until such time as a vehicle is presented which the Council considers to be suitable in type, size and design for use as a taxi and safe use and evidence is provided that a policy of insurance is in place as it complies with Part VI of the Road Traffic Act 1971.

(References – Licensing Sub-Committee of the Regulatory Committee of 18 May 2011 (item 5); report by the Acting Director of Corporate Services, submitted.)

**5 Private Hire Car Driver's Licence – Suspension (agenda item B3)**

The Acting Director of Corporate Services provided details of action taken by him in consultation with the Convener of the Regulatory Committee, in terms of Standing Order 63, to suspend a Private Car Driver's Licence in response to a complaint from the Chief Constable.

The Sub-Committee was invited to consider whether or not to continue to suspend the licence under Paragraph 11 of Schedule 1.

**Decision**

To suspend the licence, with immediate effect, for a period extending beyond 23 March 2012 until the date any renewal was considered.

(Reference – report by the Acting Director of Corporate Services, submitted.)



## Committee Minutes

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# Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 20 July 2011

**Present:** Councillors Munn (Convener), Lang (Vice-Convener), Elaine Aitken (substituting for Councillor Kate Mackenzie), Henderson and Mowat.

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

Details were provided of 6 applications for Miscellaneous Licences under the Civic Government (Scotland) Act 1982.

#### Decision

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

(References – list of applications, submitted; additional letter from applicant for item 3.6, tabled.)

### 2 Request for Reduction of Fees – Theatre Licence – Pilrig St Paul's Church

A request had been received from Pilrig St Paul's Church for a reduction of the application fee in respect of a Theatre Licence for premises at Pilrig St Paul's Church.

The applicant was heard.

#### Decision

To approve the reduction of the annual Theatre Licence application fee by £423 so the cost of the licence would be £850.

(Reference – report by the Acting Director of Corporate Services, submitted.)

### **3 Request for Reduction of Fees – Temporary Theatre Licence – Spotlites Theatre Productions Limited – Spotlites at The Merchant’s Hall, 22 Hanover Street**

A request had been received from Spotlites Theatre Productions for a reduction of an application fee in respect of a Temporary Theatre Licence for premises at The Merchant’s Hall, 22 Hanover Street.

#### **Decision**

- 1) To approve the reduction of the Temporary Theatre Licence application fee by £743 so the cost of a licence would be £106.
- 2) To note that an application for an annual Theatre Licence was to be submitted in due course.

(Reference – report by the Acting Director of Corporate Services, submitted.)

#### **Declaration of Interest**

Councillor Mowat declared a non-financial interest in the above item as her daughter participated in events run by the applicant and took no part in the consideration of this item.

### **4 Wheelchair Accessible Taxis – Fitness of Taxi Drivers**

The Acting Director of Corporate Services provided details of 7 requests from taxi drivers for exemptions from compliance with the Condition 129 of the Council’s Standard Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers on the basis of a medical condition.

The Council’s Medical Adviser had recommended that the exemptions be granted as detailed in the Appendix to the report by the Acting Director of Corporate Services.

#### **Decision**

To grant the exemptions as detailed in the Appendix to the report by the Acting Director of Corporate Services.

(Reference – report by the Acting Director of Corporate Services, submitted.)

Licensing Sub-Committee of the  
Regulatory Committee  
20 July 2011

## **5 Resolution to Consider in Private**

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

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

The Acting Director of Corporate Services provided details of 7 applications for Miscellaneous Licences under the Civic Government (Scotland) Act 1982.

The Committee agreed that in the interests of public safety, to hear objections to applications submitted outwith the 28 day period in terms of Paragraph 3(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Convener had ruled that item B1.7, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order to allow the matter to be dealt with timeously.

### **Decision**

That the applications be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(References – applications submitted; item B1.7, tabled.)

## **7 Taxi Driver's Licence – Suspension (agenda item B2)**

The Acting Director of Corporate Services provided details of action taken by him in consultation with the Convener of the Regulatory Committee, in terms of Standing Order 63, to suspend a Taxi Driver's Licence in response to a complaint from the Chief Constable.

### **Decision**

To note the action taken in terms of Standing Order 63 by the Acting Director of Corporate Services in consultation with the Convener of the Regulatory Committee to suspend a Taxi Driver's Licence.

(Reference – report by the Acting Director of Corporate Services, submitted.)

Licensing Sub-Committee of the  
Regulatory Committee  
20 July 2011

## **8 Taxi Driver's Licence – Suspension (agenda item B3)**

The Acting Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Taxi Driver's Licence advising that he was no longer a fit and proper person to hold such a licence.

The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder and his representatives were heard.

### **Decision**

To suspend the licence with immediate effect until 30 March 2012.

(Reference – report by the Acting Director of Corporate Services, submitted.)

## **9 Private Hire Car Driver's Licence – Suspension (agenda item B4)**

The Acting Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Private Hire Car Driver's Licence advising that he was no longer a fit and proper person to hold such a licence.

The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

### **Decision**

To suspend the licence with immediate effect extending beyond 30 March 2012 until the date in the renewal application was considered.

(Reference – report by the Acting Director of Corporate Services, submitted.)

Licensing Sub-Committee of the  
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20 July 2011

**APPENDIX**

**(As referred to in item 1 of the foregoing Minute)**

**APPLICATIONS FOR MISCELLANEOUS LICENCES**

Item no	Applicant/ Licence Holder	Determination Date	Decision
<b>LATE HOURS CATERING</b>			
3.1	Andrew Watson	11.11.11	To grant the licence subject to: <ol style="list-style-type: none"> <li>1. The Council's Standard Licensing Conditions for this category of licence.</li> <li>2. That door stewarding would be employed at the premises between 2300 and 0300 hours on Fridays and Saturdays.</li> </ol>
3.2	Andrew Watson	11.11.11	<ol style="list-style-type: none"> <li>1. To grant the variation of the licence subject to:               <ol style="list-style-type: none"> <li>a) The Council's Standard Licensing Conditions for this category of licence.</li> <li>b) That appropriate door stewarding would be in place to provide appropriate control of the premises during extended hours on Fridays and Saturdays.</li> </ol> </li> <li>2. To note that the applicant had undertaken to provide door stewarding on Fridays and Saturdays until 6.00 am.</li> </ol>
3.3	Murat Avsar	11.11.11	To continue consideration of the application till the meeting of 19 August 2011 to allow the applicant to attend.
<b>STREET TRADER'S LICENCE (TEMPORARY)</b>			
3.4	Kuldeep Kumar	N/A	Refused in terms of Paragraph 5(3)(c)(i) to Schedule 1 of the Civic Government (Scotland) Act 1982.  (On a division – see note)

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Item no	Applicant/ Licence Holder	Determination Date	Decision
<b>PUBLIC ENTERTAINMENT COMMERCIAL OPERATION</b>			
3.5	Lady Boys of Bangkok	N/A	<p>To grant the licence subject to the Council's Standard Licensing Conditions for this category of licence and subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. All amplified music and vocals to be controlled to the satisfaction of the Director of Services for Communities.</li> <li>2. No music or vocals, amplified or otherwise after 23.00 hours.</li> <li>3. Posters advertising the event to be restricted to surrounding areas.</li> <li>4. Confirmation that the site plan provided to the Council outlining the nature and size of the units was accurate.</li> <li>5. The licensed area would be enclosed by a suitably mounted perimeter fence of sufficient height to prevent unauthorised access to the Big Top during the period of its closure.</li> <li>6. That there be no alcohol for sale, supply or consumption unless otherwise authorised by an occasional licence granted by the City of Edinburgh Council Licensing Section and in line with conditions attached thereto.</li> <li>7. That the capacity set by Public Safety was not exceeded.</li> <li>8. That there was appropriate S.I.A. licensed stewarding in place to provide appropriate security and control of the event and its patrons.</li> </ol>

Licensing Sub-Committee of the  
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Item no	Applicant/ Licence Holder	Determination Date	Decision
			9. All reasonable requests made by the Police or other authorised officials be complied with.
<b>TEMPORARY THEATRE LICENCE</b>			
3.6	Zoo Venues Limited	N/A	To grant the licence subject to the Council's Standard Licensing Conditions for this category of licence.

Licensing Sub-Committee of the  
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20 July 2011

**Note**

**Motion**

To repel the objections and grant the application from 5 August to 5 September 2011 on Sundays to Fridays subject to:

- 1) The Council's Standards Conditions for this category of licence.
- 2) The semi-permanent trading unit being located to the satisfaction of the Director of Services for Communities.

- moved by Councillor Lang, seconded by Councillor Henderson.

**Amendment**

Refused in terms of Paragraph 5(3)(c)(i) to Schedule 1 of the Civic Government (Scotland) Act 1982.

- moved by Councillor Mowat, seconded by Councillor Elaine Aitken.

**Voting**

For the motion	-	2 votes
For the amendment	-	3 votes

**Decision**

Refused in terms in Paragraphs 5(3)(c)(i) to Schedule 1 of the Civic Government (Scotland) Act 1982.



## Committee Minutes

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# Regulatory Committee

Edinburgh, 20 May 2011

**Present:-** Councillors Lang (Vice-Convener), Cairns and Mowat.

## 1 Chair

In the absence of the Convener (Councillor Keir), the Vice-Convener (Councillor Lang) assumed the Chair.

## 2 Minutes

### Decision

- 1.1 To approve the minute of the Regulatory Committee of 4 March 2011 as a correct record.
- 1.2 To approve the minutes of the Licensing Sub-Committee of 2, 4, 16 and 18 March 2011 as correct records.
- 1.3 To note the minute of the Hire Car Licensing Consultation Group of 22 March 2011.

## 3 Taxi Fare Review – Airport “Drop-Off” Supplement

Details were provided of a proposed amendment to the taxi fare tariff to permit recovery of a £1.00 charge at Edinburgh Airport.

At its meeting on 4 March 2011 the Regulatory Committee agreed:-

- 1) To carry out an interim fare review.

Regulatory Committee  
20 May 2011

- 2) To make a proposal to change the taxi fare tariff so as, under “extra payment”, it would read – “Hires ending at Edinburgh Airport covered in a drop-off zone - £1.00” and that the fare tariff card contain the wording set out in the report by the Director of Corporate Services.
- 3) To allow time for statutory periods of consultation and appeal to agree a proposed implementation date of 1 July 2011 for any change to come into effect.
- 4) To instruct the Director of Corporate Services to place an advertisement of this proposal, inviting representations within one month of the date of the advertisement.
- 5) The Director of Corporate Services report further on the matter to the meeting of the Regulatory Committee on 20 May 2011.
- 6) To consider the inclusion of a fuel price regulator trigger mechanism in future fare reviews

The proposal had been advertised in the Edinburgh Evening News on 25 March 2011, providing one month for comments. No comments had been received

#### **Decision**

- 1) To adopt the proposal, as set out in paragraph 2 of the report by the Acting Director of Corporate Services, and to confirm that the taxi fare tariff change would take effect on 1 July 2011.
- 2) To instruct the Acting Director of Corporate Services to take the appropriate actions.
- 3) If no appeal was lodged, to instruct the Acting Director of Corporate Services to advertise the tariff and issue new fare cards.

(References – Regulatory Committee 4 March 2011 (item 4); report by the Acting Director of Corporate Services, submitted.)

#### **4 Consultation on Revision to Scottish Government Best Practice Guidance for Licensing of Taxis and Private Hire Cars**

Approval was sought for a consultation response to the Scottish Government Consultation on Revision to Scottish Government Best Practice Guidance for Licensing of Taxis and Private Hire Cars.

**Decision**

To approve the response to the consultation.

(Reference – report by the Acting Director of Corporate Services, submitted.)

**5 Hire Car Licensing Consultation Group – Membership**

At its meeting on 18 July 2007, the Regulatory Committee re-established the Hire Car Licensing Consultation Group.

The role of the Group is to discuss policies affecting hire cars and their customers and to obtain direct feedback from trade representatives and members.

In March 2009, Edinburgh City Private Hire Limited purchased Accolade City Cars and incorporated their staff and cars into their operation. Edinburgh City Private Hire Limited have requested membership of the Consultation Group in place of Accolade City Cars.

**Decision**

To approve the membership of Edinburgh City Private Hire Limited to the Hire Car Licensing Consultation Group and remove Accolade City Cars with immediate effect.

(Reference – Regulatory Committee 18 July 2007 (item 5); report by the Acting Director of Corporate Services, submitted.)

## Committee Minutes

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### Regulatory Committee

Edinburgh, 17 June 2011

**Present:** - Councillors Munn (Convener), Lang (Vice-Convener), Cairns, McKay and Snowden.

#### **1 Appointment of Convener and Vice-Convener of the Regulatory Committee 2011/12**

##### **Decision**

- 1) To appoint Councillor Munn as Convener of the Regulatory Committee for 2011/12.
- 2) To appoint Councillor Lang as Vice-Convener of the Regulatory Committee for 2011/12.

#### **2 Appointment of Vice-Convener of the Licensing Sub-Committee 2011/12**

##### **Decision**

To appoint Councillor Lang as Vice-Convener of the Licensing Sub-Committee for 2011/12.

## Taxi and Private Hire Car Licensing – Use of Spare Wheel Carrier

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### Regulatory Committee

19<sup>th</sup> August 2011

#### Purpose of report

- 1 To advise the Committee of a request from the provider of taxi vehicles for the approval of provision of a spare wheel carrier for approval for use on Mercedes M8 taxis.

#### Main report

- 2 The Council's Licensing Section has been contacted by Allied Vehicles Limited regarding the possibility of the Council approving the use of a spare wheel carrier for the short wheelbase ("Compact") version of the Mercedes M8 taxi. A copy of their letter is attached as Appendix 1 to this report. Allied Vehicles Limited have advised that they have designed a spare wheel carrier appropriate to this type of vehicle.
- 3 Allied Vehicles Limited have supplied correspondence and photographic evidence on the design of the wheel carrier. The contents of the correspondence and photographic evidence are considered to be commercially sensitive, and accordingly are available for Committee members' inspection, in the Council's Licensing Section
- 4 Schedule A of the Council's Licensing Conditions (Conditions of Fitness of Taxis) set out the requirements for general construction of taxis, including:
  - 184 Taxis in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval as an M1 vehicle, is purpose built for use as a taxi and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.
  - 187 There must be carried on every vehicle:
    - (a) a spare wheel fitted with pneumatic tyre of the same type and size as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel; and
    - (b) a suitable lifting jack; and



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Wards affected	Citywide
Single Outcome Agreement	<p>Supports National Outcome 14 – “We reduce the local and global impact of our consumption and production.”</p> <p>Supports National Outcome 15 – “Our public services are high quality, continually improving, efficient and responsive to local people’s needs.”</p> <p>Taxi and private hire car licensing requires to be well organised and effective to ensure adequate and safe transportation services are available to meet the needs of business and tourism in the city and so that best value is obtained.</p>
Background Papers	None

# Houses in Multiple Occupation – Delegated Powers – Temporary Exemption Orders – Housing (Scotland) Act 2006

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## Regulatory Committee

19<sup>th</sup> August 2011

### Purpose of report

- 1 To recommend that the Committee delegates powers in terms of the current Scheme of Delegation to Officers to the Director of Corporate Services to grant, refuse, extend and revoke temporary exemption orders in terms of sections 142 and 143 of the Housing (Scotland) Act 2006.

### Main report

- 2 On 31 August 2011 the Scottish Government brings into effect part 5 of the Housing (Scotland) Act 2006. From this date the statutory framework for licensing of Houses in Multiple Occupation will be transferred from the Civic Government (Scotland) Act 1982 to the Housing (Scotland) Act 2006 (“the 2006 Act”).
- 3 Sections 142 and 143 of the 2006 Act introduce new provisions allowing a local authority to grant temporary exemption orders where the owner of a property operating as an HMO without a licence is taking steps to stop the property being used as an HMO. A temporary exemption order exempts a property owner from the requirement to obtain an HMO licence during the period of the order. Orders may be granted where a property owner identifies the steps that are being taken to cease use of the property as an HMO and has carried out works as required by the local authority to improve the safety or security of tenants during the period of the order. A temporary exemption order will have effect for a period of three months and may be extended once for a further period not exceeding three months on application of the owner.
- 4 These provisions provide a framework within which steps can be taken to provide safety measures in a property without recourse to enforcement action while the owner actively works towards ceasing use of the property as an HMO.
- 5 Due to the nature of the temporary exemption orders which are to be short-term measures with decisions and inspections carried out within short timescales, it is recommended that the Committee delegates the authority to grant, refuse,



## **Financial Implications**

- 6 None. The costs associated with administering temporary exemption orders will be met from the current HMO licensing budget.

## **Equalities Impact**

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

## **Environmental Impact**

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

## **Recommendations**

That the Committee delegates authority to the Director of Corporate Services to grant, vary, revoke or refuse applications for temporary exemption orders in terms of sections 142 and 143 of the Housing (Scotland) Act 2006.

**David Jack**  
Acting Director of Corporate Services

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Appendices      None

Contact/tel/Email      Caitlin Tilbury, Solicitor (Licensing) / 0131 529 4424 /  
caitlin.tilbury@edinburgh.gov.uk

Wards affected      citywide

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Single Outcome Agreement

Supports National Outcome 1 – “We live in a Scotland that is the most attractive place for doing business in Europe”  
Supports Local Outcome – “Edinburgh Festivals have a global competitive edge”

Supports National Outcome 11 – “We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others”

Supports Local Outcome – “Edinburgh has strong, engaged and supported voluntary and community sectors that enable people to participate in their communities”

Supports National Outcome 13 – “We take pride in a strong, fair and inclusive national identity”

Supports Local Outcome – “All residents including those from minority backgrounds are able to actively participate in the community”

Background Papers

City of Edinburgh Council licence application fees list