

Committee Minutes

Regulatory Committee

Edinburgh, 19 August 2011

Present: - Councillors Munn (Convener), Lang (Vice-Convener), Cairns, Henderson, Kate MacKenzie, Paisley (substituting for Councillor Mowat), Perry and Snowden.

1 Minutes

Decision

- 1.1 To approve the minutes of the Regulatory Committee of 20 May and 17 June 2011 as correct records.
- 1.2 To approve the minutes of the Licensing Sub-Committee of 18, 20 May 17, 20 June and 20 July 2011 as correct records.

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

Details were provided of a request from Allied Vehicles Ltd for the approval of provision of a spare wheel carrier for use on Mercedes M8 Compact taxis.

Decision

To approve the spare wheel carrier as detailed in the report by the Acting Director of Corporate Services proposed for use on the Mercedes M8 Compact taxis

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

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

On 31 August 2011 the Scottish Government will bring into effect part 5 of the Housing (Scotland) Act 2006. From this date the statutory framework for

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licensing of Houses in Multiple Occupation (HMO) will be transferred from the Civic (Government) Scotland Act 1982 to the Housing (Scotland) Act 2006

Sections 142 and 143 of the Housing (Scotland) Act 2006 Act introduced 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 identified the steps that were being taken to cease the 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 would 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.

Approval was sought to delegate authority to the Acting Director of Corporate Services to grant, vary, refuse, extend and revoke temporary exemption orders in terms of sections 142 and 143 of the Housing (Scotland) Act 2006

Decision

To recommend to the Council that authority be delegated to the Acting Director of Corporate Services to grant, vary, refuse, extend and revoke temporary exemption orders in terms of sections 142 and 143 of the Housing (Scotland) Act 2006.

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

4 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 item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7(A) of the Act.

5 New Taxi Licensing Appeals

Details were provided of a Sheriffs decision on a test case appealing the way new taxi licences were allocated in 2010 and requested the Committee's decision on whether it wished to continue with an appeal to the Court of Session

Decision

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- 1) To accept the Sheriffs decision in the test case and authorise the Acting Director of Corporate Services to withdraw the appeal to the Court of Session
- 2) To note that the Acting Director of Corporate Services would correspond with the other appellants in relation to their appeals
- 3) To instruct the Acting Director of Corporate Services
 - (i) To prepare a report with proposals as to how new taxi licences were to be allocated in the future
 - (ii) To consult with all interested parties on the proposals
 - (iii) To submit a report on the proposals to the Regulatory Committee in due course

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

Declaration of Interest

Councillor Paisley declared a non-financial interest in the above item as one of the appellants was a neighbour of his and took no part in the consideration of this item.

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Edinburgh, 26 October 2011

Present: - Councillors Munn (Convener), Cairns, Jackson (substituting for Councillor Mowat), Perry and Snowden.

1 Taxi Fare Review 2011

1.1 Deputation – Edinburgh Taxi Partnership

Bill Purnell of the Edinburgh Taxi Partnership advised that there had been no increase in the fees for three years and the trade were now asking for a fair deal from the council on this matter.

At a meeting with council officers on 12 October 2011, the trade's proposals which included an increase of 8.4% in the tariff, an increase from eighty pence to two pounds for hires commencing at the airport, fare reviews to be carried out every year rather than every eighteen months, and that the period covered by the higher tariff at New Year terminate at midnight on 2 January were presented.

Mr Purnell advised of the trade's dissatisfaction that the Council had not appointed consultants to undertake a fare review of their own, and that it had been left to the trade to bring forward proposals. The trade was also disappointed that council officials had decided to recommend only parts of their submission for approval.

He further indicated that the airport charged a fee of £2.10 which allowed the driver eight minutes to pick up the fare and exit the area after this the fee rose incrementally. Other authorities allowed this charge to be included in the tariff and recently the Northern Ireland Department of Environment had agreed to include airport charges in taxi tariffs. However, if the Council were not prepared to increase this charge then the trade would request that a 10.5% increase be introduced instead.

In conclusion Mr Purnell requested that the Committee support the trade's proposals.

1.2 Report by the Director of Corporate Governance

The Council was required to review taxi fares at regular intervals not exceeding eighteen months and set the maximum level of fares for all taxis. Discussions had taken place with the trade as to whether any changes were required and proposals for the Taxi Fare Review 2011 were presented.

Decision

- 1) To propose a taxi fare increase as detailed in appendix 3 of the report by the Director of Corporate Governance with the exception of the increase in fares for hires from the airport with a proposed implementation date of 27 December 2011.
- 2) To instruct the Director of Corporate Governance to place an appropriate advertisement and invite responses within the statutory period of one month of the advertisement
- 3) To not accept the request for a fare an increase for hires from Edinburgh Airport
- 4) To decline the request that fares be reviewed each year
- 5) To defer further consideration of the matter until the meeting of the Regulatory Committee on 6 December 2011.

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

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Edinburgh, 17 August 2011

Present:- Councillors Munn (Convener), Lang (Vice-Convener), Cairns, Henderson, Kate MacKenzie and Snowden.

1 Request for Refund of Application Fee – Scott Neave Taxis Ltd

A request had been received for a refund of the application fee for variation of a taxi licence to allow display of advertisements for a charitable organisation. The application for display of the advertisement had been granted.

Decision

To refund the fee of £91 to the applicant.

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

2 Wheelchair Accessible Taxis – Fitness of Taxi Drivers

The Convener ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order that it be considered timeously.

Details were given of 14 requests from taxi drivers for exemptions from compliance with Condition 129 of the Council's Standard Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Car Hire Drivers.

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.

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Decision

To grant the exemptions as detailed in the report by the Acting 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

Details were provided of 21 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

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 requested that his dissent from the decision on item B1.15 be recorded.

Councillor Snowden requested that his dissent from the decision on item B1.19 be recorded.

5 Taxi Driver's Licence – Suspension and Renewal Application

Details were given of a complaint received from the Chief Constable requesting the suspension of a Taxi Driver's Licence and objecting to an application for the renewal of a Taxi Licence on the grounds that the licence holder was not a fit and proper person to hold the licence.

The Sub-Committee was invited to consider whether or not to suspend the Taxi Driver's Licence with or without immediate effect and to consider the renewal application for the Taxi Licence.

The licence holder was heard.

Decision

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

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

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Edinburgh, 19 August 2011

Present:- Councillors Munn (Convener), Lang (Vice-Convener), Cairns, Henderson, Kate MacKenzie, Mowat (from agenda item 4), Paisley (substituting for Councillor Mowat agenda items 1- 3.22), 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.)

2 Chair

The Convener vacated the chair and the Vice-Convener assumed the chair for consideration of agenda items 3.21 and 3.22, miscellaneous applications.

3 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – Scottish Defence League – Saturday 10 September 2011

Details were provided of notification of a public procession in the city centre by the Scottish Defence League (SDL) to be held on Saturday 10 September 2011.

A number of objections to the procession had been received which highlighted concerns about impacts on public safety, public order, possible damage to property and disruption to the life of the community.

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Organisers of the SDL procession, the Chief Constable and the relevant Council Officers were heard.

Decision

To make an order to prohibit the holding of the procession by the Scottish Defence League on Saturday 10 September 2011 for the reasons that it would be detrimental to public safety and public order and may cause undue disruption of the life of the community.

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

4 House in Multiple Occupation Licence – Monitoring Report – 14 (2f1) Dublin Street

Details were provided of the results of the monitoring of the property at 14 (2f1) Dublin Street which included tenancy management, as requested by the Sub-Committee at its meeting on 5 November 2010

Decision

To note the report.

References – Licensing Sub-Committee of the Regulatory Committee 5 November 2010 (Item 1(5)); report by the Director of Services for Communities

5 House in Multiple Occupation Licence – Monitoring Report – 14 (3f1) and (3f2) Henderson Street

Details were provided of the results of a six month monitoring period of the property at 14 (3f1) and (3f2) Henderson Street which included tenancy management, as requested by the Sub-Committee at its meeting on 3 December 2010.

Decision

To note the report.

Reference – Licensing Sub-Committee of the Regulatory Committee 3 December 2010 (Item 1(30)); report by the Director of Services for Communities

6 HMO Licence – Remitted Appeal 2 Laichpark Place, Edinburgh

Details were provided of the outcome of an appeal against refusal of an HMO licence in respect of which the application for renewal of an HMO licence had been remitted to the committee by the Sheriff Court for consideration.

Decision

To repel the objections and grant the licence, subject to the Council's Standard Conditions for the category of licence.

Reference – report by the Acting Director of Corporate Services

7 Request for Reduction of Fees – Temporary Public Entertainment Licence – The Dundas Foundation

A request had been received from the Dundas Foundation for a reduction of the application fees charged for four public entertainment licence applications by a charity/voluntary organisation at Dalmeny Church.

Decision

To reduce the fee payable to £212 for all four licences and to refund the additional £212 already paid.

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

8 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.

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

Details were provided of 11 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

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Decision

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

(Reference – list of applications, submitted.)

Declaration of Interest

The Convener (Councillor Munn) declared a non-financial interest in agenda item B1.4 as he had been consulted by constituents on similar applications made by this applicant and took no part in consideration of this item.

9 Chair

The Convener vacated the Chair for consideration of agenda item B1.4 and Councillor Mowat was appointed to the Chair for this item.

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

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.1 - House In Multiple Occupation Licence - Clearwater Capital Limited - 72(2F2) Morningside Road	5 Occupants	11.12.11	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.2 - House In Multiple Occupation Licence - Majjo Homayoun-Valiani - 65 Montpelier Park	4 Occupants	16.02.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.3 - Street Trader Licence - Caroline Johnstone - Calder Road, Sighthill Industrial Estate	Hot and Cold Food	02.09.11	To refuse the licence in terms of paragraph 5 (3)(c)(i) of the Civic Government Scotland Act 1982.
Item 3.4 - Late Hours Catering Licence - Murat Avsar - 222 Morrison Street	Sunday to Thursday 0200-0300 Friday-Saturday 0300-0400 5 August 2011 - 5 September 2011	11.11.11	To refuse the licence in terms of paragraph 5 (3)(d) of the Civic Government Scotland Act 1982.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.5 - Public Entertainment Licence - Messers G Warrington and Sons - Red Ash Area, Princes Street Gardens	Victorian Carousel (1 Year)	10.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.
Item 3.6 - Street Trader Licence - James Stevens and Rene Smith T/A Cafe Renee - Mound Precinct	Hot and Cold Food (1 Year)	03.11.11	To continue to the meeting of the Licensing Sub-Committee of 16 September 2011 at the applicant's request.
Item 3.7 - Street Trader Licence - John Hunte - West Princes Street Gardens	Hot and Cold Food and Drinks (1 Year)	11.12.11	To continue to the meeting of the Licensing Sub-Committee of 16 September 2011 at the applicant's request.
Item 3.8(a) - Street Trader Licence - Jonathan Corrigan - West Side, Mound Precinct	Ice Cream, Soft Drinks and Confectionary (1 Year)	25.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.
Item 3.8(b) - Street Trader Licence - Leora Grahame - Playfair Steps	Jewellery (1 Year)	24.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.8(c) - Street Trader Licence - Adam McIntosh - Playfair Steps	Jewellery (1 Year)	23.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.
Item 3.8(d) - Street Trader Licence - Elizabeth Hiller - Playfair Steps	Jewellery, Art and Craft (1 Year)	22.09.11	Continued to meeting of the licensing Sub-Committee of 16 September 2011 at the applicants request.
Item 3.8(e) - Street Trader Licence - Chandra Mather - Playfair Steps	Jewellery, Art and Craft (1 Year)	21.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.
Item 3.8(f) - Street Trader Licence - William Green - Playfair Steps	Art and Sunglasses (1 Year)	27.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.8(g) - Street Trader Licence - Blair McNeil- Playfair Steps	Photograph and Jewellery (1 Year)	05.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.
Item 3.8(h) - Street Trader Licence - Gentleman Jacks - Frederick Street	Hot Food and Soft Drinks (1 Year)	28.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.
Item 3.8(i) - Street Trader Licence - Gentleman Jacks - Castle Street	Hot Food and Soft Drinks (1 Year)	28.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.
Item 3.8(j) - Street Trader Licence - Mark Calderwood- Foot of Castle Street, Princes Street	Flowers (1 Year)	27.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.9 - Late Hours Catering Licence - Scottish Midland Co-oprative Society and Janice Docherty - 126 - 128 Marchmont Road	Sunday to Saturday 2300 – 0000	28.10.11	To grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.10 - Late Hours Catering Licence - Ahmet Kaya - Marmaris Food Centre, 33 - 35 Clerk Street	Sunday - Thursday 0000 – 0100 Friday – Saturday 0000 – 0200	23.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.11 - Late Hours Catering Licence - Shabbir Ahmed - Chilli Grill - 141A St John's Road	Sunday - Thursday 1100 – 0100 Friday – Saturday 1100 – 0200	10.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.12 - House In Multiple Occupation Licence - Robert Wild and Lorna Slade - 109 Causewayside	3 Occupants	19.05.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.13 - House In Multiple Occupation Licence - Michael Mann - 41 (2f1) Great King Street	10 Occupants	26.03.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.14 - House In Multiple Occupation Licence - Grant Residential Property - 25 (2f2) Rankeillor Street	5 Occupants	14.02.12	To continue to the meeting of the Licensing Sub-Committee of 16 September 2011 to allow the applicant to attend and the Director of City Development to inspect the plumbing systems in the properties of both the objector and the licence holder.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.15 - Second Hand Dealer Licence - Gordon Archibald T/A Waverley Cars - 70 Moira Terrace	Monday – Friday 0800 – 1800 Saturday 0900 – 1600	07.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence. To note that the planning objection had been withdrawn.
Item 3.16 - Street Trader Licence - Veronese Giancarlo - Corner of Rose Street and Hanover Street	Prints and Paintings	25.10.11	To continue for one month to the meeting of Wednesday 14 September 2011 to clarify details of any other licences granted for this stance.
Item 3.17 - Street Trader Licence - Veronese Giancarlo - South St Andrew Street at junction wit Princes Street	Prints and Paintings	15.09.11	To continue for one month to the meeting of Wednesday 14 September 2011 to clarify details of any other licences granted for this stance.
Item 3.18 - Street Trader Licence - Jonathan Duployen - In Front of Westsider, 2 Westside Plaza	Hot Food	07.09.11	To grant the licence subject to the Council's Standard Conditions for this category of licence. Hours of trading to be 08.00 am – 16.00 pm and the unit being removed at close of each trading day
Item 3.19 - Skin Piercing/Tattoo - Adriano Moraes Velleda - 19 Bread Street		26.11.11	To grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.20 - Street Trader Licence - Margarita Cifrian - Rose Street at corner of Hanover Street	Fashion Jewellery and Accessories	06.12.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and subject to the condition that the licence will not come into effect until agreed by Road Services.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.21 - House In Multiple Occupation Licence - Elizabeth Ferguson - 15 Panmure Place	4 Occupants	31.10.12	To continue to the meeting of the Licensing Sub-Committee of 16 September 2011 to allow the applicant to attend
Item 3.22 - Late Hours Catering Licence - McDonalds Resaurants Ltd - 3-5 Princes Street	24 hour festival trading	N/A	To vary the licence subject to the Council's Standard Conditions for this category of licence and the condition that SIA registered door stewards are employed Friday and Saturday from 11pm – 5am.

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Edinburgh, 14 September 2011

Present:- Councillors Munn (Convener), Henderson, Kate MacKenzie, Mowat and Snowden.

1 Wheelchair Accessible Taxis – Fitness of Taxi Drivers

Details were given of 9 requests from taxi drivers for exemptions from compliance with Condition 129 of the Council's Standard Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Car Hire Drivers.

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 report by the Acting Director of Corporate Services.

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

2 Street Trader Licence Applications

a) New – South St Andrew Street at junction with Princes Street

An objection had been received from Services For Communities, Road Services to an application for a new Street Traders Licence by Veronese Giancarlo at South St Andrew Street at the junction with Princes Street on the grounds that a unit placed there would potentially cause an obstruction to pedestrians and would obstruct any emergency services.

Following discussions between Road Services and the applicant, an Alternative site had been identified and agreed.

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Decision

- 1 To grant the licence subject to the Council's standard conditions for this type of licence for the alternative site at South St David Street as shown on the drawing, Street Trader Application Reference 2054, dated 09/09/2011.
- 2 Subject to a condition that trading may be suspended on certain days specified by the Director of City Development on due notice to the licence holder.

b) Renewal – Corner of Rose Street and Hanover Street

An objection had been received from Services For Communities, Road Services for the renewal of an application for a Street Traders Licence by Veronese Giancarlo at the corner of Rose Street and Hanover Street on the grounds that the area was severely affected by the Primark development and the Assembly Rooms development.

Decision

- 1 To grant the licence subject to the Council's standard conditions for this category of licence and subject to the condition that the licence will not come into effect until agreed by Road Services.
- 2 Subject to a 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.

(References – Licensing Sub-Committee 19 August 2011, (item 1) and applications, 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

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Details were provided of 9 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

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

(Reference – list of applications, submitted.)

5 Taxi Driver's Licence – Suspension (Medical) (Agenda Item B2)

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. The licence had been suspended in terms of Standing Order 63 by the Acting Director of corporate Services in consultation with the Convener of the Regulatory Committee, since 12 August 2011, and the Sub-Committee were invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

Decision

1 To note the action taken by the Acting Director of Corporate Services in consultation with the Convener of the Regulatory Committee in terms of Standing Order 63 to suspend the licence.

2 Not to suspend the licence.

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

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Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 16 September 2011

Present:- Councillors Munn (Convener), Cairns, Dundas, Henderson, Kate MacKenzie, McKay (substituting for Councillor Dundas for agenda item B1) and Mowat

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

Details were provided of 25 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 Civic Government (Scotland) Act 1982 and Police, Public Order and Criminal Justice (Scotland) Act 2006 – Unite Against Fascism – Saturday 10 September 2011

Details were provided the action taken by the Acting Director of Corporate Services in consultation with the Convener of the Regulatory Committee in terms of Standing Order 63 to permit the holding of the procession by Unite Against fascism on Saturday 10 September 2011 subject to the conditions agreed with the organisers and the Chief Constable

Decision

To note the action taken by the Acting Director of Corporate Services in consultation with the Convener of the Regulatory Committee in terms of Standing Order 63 to permit the holding of the procession by Unite Against

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Fascism on Saturday 10 September 2011 subject to the conditions agreed with the organisers and the Chief Constable

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

Details were provided of 11 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.)

5 Chair

The Convener vacated the chair and Councillor Cairns was appointed the chair for consideration of agenda item B1.5.

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

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.1 House in Multiple Occupation Licence - Grant Residential Property Ltd - 25 (2F2) Rankeillor Street	5 Occupants	20.02.12	<p>1) To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also</p> <p>2) a condition that the ash deafening be reinstated to the satisfaction of the Director of City Development</p>
Item 3.2 - Street Trader's Licence - Elizabeth Hiller - Stance 8, Playfair Steps	Cards, Jewellery, Art and Craft (1 Year)	14.10.11	<p>1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also</p> <p>2) a 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.</p> <p>(On a division)</p> <p>See note 1 below</p>

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.3 - Street Trader's Licence - James Stevens - East Side of Mound Precinct - 25ft from Princes Street	Hot and Cold Food with employee (1 Year)	03.11.11	<p>1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also</p> <p>2) a 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.</p> <p>(On a division)</p> <p>See note 2 below</p>
Item 3.4 - Street Trader's Licence - John Hunter - West Princes Street	Hot and Cold Food and Drinks (1 Year)	27.12.11	Continued to meeting of 14 October 2011 to allow the applicant to attend

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.5 - Street Trader's Licence - Grahame Wilson - East Side of Mound, 25ft from Princes Street	Food with employee	26.10.11	<p>1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also</p> <p>2) a 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.</p> <p>3) That the Acting Director of Corporate Services submit a report to the October meeting of the Regulatory Committee on the proposed implementation of the additional condition</p> <p>(On a division)</p> <p>See note 3 below</p>
Item 3.6 - Street Trader's Licence - Angela Beresford Wilson - East Side of Mound, 25ft from Princes Street	Ice cream Kiosk	26.10.11	<p>1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also</p> <p>2) a 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.</p> <p>(On a division)</p> <p>See note 4 below</p>

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.7 - Street Trader's Licence - Peter Bruce - Foot of Castle Street, next to Princes Street	Strawberries, cream ice cream, soft drinks and smoothies 10am-6pm	21.12.11	1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also 2) a 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. (On a division) See note 5 below
Item 3.8 - Street Trader's Licence - Steven Fotheringham - Grassmarket	Ice cream Van	16.11.11	To refuse the licence in terms of paragraph 5 (3)(c)(i) and (ii) of Schedule 1 to the Civic Government (Scotland) Act 1982.
Item 3.9 - Street Trader's Licence - Maria Fernana Cartaxo Silvo - Top of Middle Meadow Walk	Handcrafted clothes, jewellery	23.12.11	To grant the licence subject to the Council's Standard Conditions for this category of licence and a 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.
Item 3.10 - Street Trader's Licence - Katarzyna Kulas - Middle Meadow Walk	Candy floss	4.1.12	Continued to meeting of 14 October 2011 for further assessment of the stance by Roads Services and for the Director of Services for Communities to clarify with the applicant the equipment to be used

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.11 - Street Trader's Licence - Jean-Francois Toulouze - Lauriston Place	Hot and cold crepes, hot dogs, etc.	29.12.11	<p>1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also</p> <p>2) an amended condition that the trading vehicle be removed from the site at least once every seven days with proof of this being provided to Roads Services on a monthly basis</p> <p>3) the production of a current food hygiene certificate being submitted to the Director of Services for Communities</p> <p>(On a division)</p> <p>See note 6 below</p>
Item 3.12 - House in Multiple Occupation Licence - Elizabeth Ferguson - 15 Panmure Place	4 Occupants	31.10.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.13 - Second Hand Dealer Licence - Azka Limited - 86 Nicolson Street	Laptops, mobiles, computers (electric goods)	22.1.12	To grant the licence subject to the Council's Standard Conditions for this category of licence

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.14 - Late Hours Catering Licence - Gino Cortellessa - 43 Longstone Road	Sun to Thurs 2300 to 0000 Fri and Sat 2300 to 0100	4.11.11	1) To grant the renewal of licence for the hours Sunday to Thursday 2300 to 0000 and Friday and Saturday 2300 to 0100 subject to the Council's Standard Conditions for this category of licence 2) the applicant to continue to liaise with the relevant council officers in regard to monitoring noise transmission
Item 3.15 - Late Hours Catering Licence - Doughmaker Limited - 195 Portobello High Street	11 pm – 3am daily	14.12.11	To grant the licence for a period of six months for the hours Sunday to Thursday 2300 to 0000 and Friday and Saturday 2300 to 0100 subject to the Council's Standard Conditions for this category of licence, with a report to be provided by the Director of Services for Communities prior to the end of the six month period on the management of the premises
Item 3.16 - Late Hours Catering Licence - Doughmaker Limited (Pizza Hut) - 110 Raeburn Place	11 pm – 3am daily	14.12.11	To grant the licence for the hours Sunday to Thursday 2300 to 0000 and Friday and Saturday 2300 0100 subject to the Council's Standard Conditions for this category of licence
Item 3.17 - Late Hours Catering Licence - Crispy Crust Limited - 187 St John's Road	Carry out/delivery only 11 pm – 3am daily	14.12.11	To grant the licence for the hours Sunday to Thursday 2300 to 0000 and Friday and Saturday 2300 to 0100 subject to the Council's Standard Conditions for this category of licence

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.18 - Late Hours Catering Licence - Crispy Crust Limited - 73 Newington Road	Carry out/delivery only 11 pm – 3am daily	14.12.11	To grant the licence for the hours Sunday to Thursday 2300 to 0000 and Friday and Saturday 2300 to 0100 subject to the Council's Standard Conditions for this category of licence
Item 3.19 - Late Hours Catering - Fabulous Foods Limited - 336 Morningside Road	Carry out/delivery only 10pm-3am 11 pm – 3am daily	20.10.11	To continue to meeting of 14 October 2011 for further investigation of any noise disturbance by the Director of Services for Communities
Item 3.20 - Late Hours Catering Licence - Fabulous Foods Limited - 170 Leith Walk	Carry out/delivery only 11 pm – 3am daily	14.12.11	To grant the licence for the hours Sunday to Thursday 2300 to 0100 and Friday and Saturday 2300 to 0200 subject to the Council's Standard Conditions for this category of licence
Item 3.21 - House in Multiple Occupation Licence (Renewal) - Colin Walker and Colin Campbell, per IME Residential Limited - 13 (3F2) Leamington Terrace	5 Occupants	29.11.11	1) To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence 2) The Director of Services for Communities to liaise with the applicant regarding tenancy management
Item 3.22 - House in Multiple Occupation Licence (Renewal) - Wendy Devine and Anne-Marie Duncan per Drummond Miller & HMO Action - 7(2F2) Gilmore Place	4 Occupants	21.11.11	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.23 - House in Multiple Occupation Licence (Renewal) - Steven and Eileen Cochrane - 29 (3F2) Spottiswoode Street	4 Occupants	14.2.12	<p>1) To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence</p> <p>2) The Director of Services for Communities to investigate the alleged sightings of vermin in the communal areas</p>
Item 3.24 - House in Multiple Occupation Licence (Renewal) - Anne Ronan and Ryden Lettings and HMO Scotland - 224 (Flat 10) Willowbrae Road	3 Occupants	26.2.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.25 - House in Multiple Occupation Licence - 48(1F) Spottiswoode Street - Melanie Jane Dyer	4 Occupants	27.2.12	<p>1) To repel the objections and grant the renewal the licence subject to the Council's Standard Conditions for this category of licence</p> <p>2) The Director of Services for Communities to provide information to the objector on the quality of the carpets and underlay fitted</p> <p>3) The Director of Services for Communities to continue to investigate the ongoing noise complaints</p>

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Note 1

Item 3.2 – Street Trader Licence – Stance 8, Playfair steps – Elizabeth Hiller

Motion

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) a 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.

Moved by Councillor Munn, seconded by Councillor Cairns

Amendment

To grant the licence subject to the Council's Standard Licensing Conditions for this category of licence.

Moved by Councillor Mowat, seconded by Councillor Dundas

Voting

For the Motion	3
For the Amendment	3

There being an equal number of votes for the motion and the amendment, the Convener used his casting vote in favour of the motion.

Decision

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) a 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.

Note 2

Item 3.3 – Street Trader Licence – East Side of Mound Precinct – 25ft from Princes Street – James Stevens and Renee Smith, T/A Café Renee

Motion

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also

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2) a 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.

Moved by Councillor Munn, seconded by Councillor Cairns

Amendment

To grant the licence subject to the Council's Standard Licensing Conditions for this category of licence.

Moved by Councillor Mowat, seconded by Councillor Dundas

Voting

For the Motion	3
For the Amendment	3

There being an equal number of votes for the motion and the amendment, the Convener used his casting vote in favour of the motion.

Decision

1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also

2) a 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.

Note 3

Item 3.5 – Street Trader Licence – Mound, East side, 25ft from Princes Street – Grahame Wilson

Motion

1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also

2) a 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.

3) That the Acting Director of Corporate Services submit a report to the October meeting of the Regulatory Committee on the proposed implementation of the additional condition

Moved by Councillor Munn, seconded by Councillor Cairns

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Amendment

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence
- 2) That the Acting Director of Corporate Services submit a report to the October meeting of the Regulatory Committee on the proposed implementation of the additional condition

Moved by Councillor Mowat, seconded by Councillor Dundas

Voting

For the Motion	3
For the Amendment	3

There being an equal number of votes for the motion and the amendment, the Convener used his casting vote in favour of the motion.

Decision

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) a 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.
- 3) That the Acting Director of Corporate Services submit a report to the October meeting of the Regulatory Committee on the proposed implementation of the additional condition

Note 4

Item 3.6 – Street Trader Licence – Mound, East side, 25ft from Princes Street – Angela Beresford Wilson

Motion

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) a 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.

Moved by Councillor Munn, seconded by Councillor Cairns

Amendment

To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence

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Moved by Councillor Mowat, seconded by Councillor Dundas

Voting

For the Motion	3
For the Amendment	3

There being an equal number of votes for the motion and the amendment, the Convener used his casting vote in favour of the motion.

Decision

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) a 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.

Note 5

Item 3.7 – Street Trader Licence – Foot of Castle Street, next to Princes Street – Peter Bruce

Motion

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) a 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.

Moved by Councillor Munn, seconded by Councillor Cairns

Amendment

To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence

Moved by Councillor Mowat, seconded by Councillor Dundas

Voting

For the Motion	3
For the Amendment	3

There being an equal number of votes for the motion and the amendment, the Convener used his casting vote in favour of the motion.

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Decision

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) a 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.

Note 6

Item 3.11 – Street Trader Licence – Lauriston Place – Jean Françoise Toulouze

Motion

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) the production of a current food hygiene certificate being submitted to the Director of Services for Communities

Moved by Councillor Munn, seconded by Councillor Cairns

Amendment

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) an amended condition that the trading vehicle be removed from the site at least once every seven days with proof of this being provided to Roads Services on a monthly basis
- 3) the production of a current food hygiene certificate being submitted to the Director of Services for Communities

Moved by Councillor Henderson, seconded by Councillor Mowat

Voting

For the Motion	2
For the Amendment	4

Decision

- 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and also
- 2) an amended condition that the trading vehicle be removed from the site at least once every seven days with proof of this being provided to Roads Services on a monthly basis

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3) the production of a current food hygiene certificate being submitted to the Director of Services for Communities

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 12 October 2011

Present:- Councillors Munn (Convener), Cairns, Henderson, Perry and Snowden.

1 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.

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

Details were provided of 12 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

Decision

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

Declaration of Interest

Councillor Henderson declared a non-financial interest in item B1.7 on the list of applications, as the applicant was known to him.

(Reference – list of applications and tabled papers, submitted.)

3 Chair

The Convener vacated the chair and Councillor Cairns was appointed as chair for consideration of the following item.

4 Public Entertainment Licence – Application (Agenda Item B2)

Details were given of an application for the renewal of a Public Entertainment Licence.

Representations had been received from the Director of Services for Communities in relation to concerns that the applicants did not meet the test of “fit and proper person” and evidence of this was provided.

The Chief Constable requested that if the application were to be granted, the conditions attached to the licence be the standard list pertaining to public entertainment licence premises.

The current licence holders were heard.

Decision

- (1) That the licence be granted for six months, subject to the Council’s Standard Conditions for this category of licence and the satisfactory maintenance of risk assessment, spa pool hygiene and safety, catering-related and health and safety records for inspection on demand.
- (2) That regular (not less than three times during the six-month period) inspections be made by officers from the Department of Services for Communities during and beyond this period and that the findings of these inspections to be the subject of a report to the Sub-Committee.
- (3) That the licence holders ensure that at all times the premises are open that an individual be named as the responsible manager at the premises and that the name of that person be displayed at the premises.
- (4) That the cleaning schedule for the premises be monitored by the licence holders and completed to the satisfaction of inspectors from the Department of Services for Communities.
- (5) That the structure and fabric of the building and the fittings provided shall be of a suitable standard to enable the premises to be kept in a clean and hygienic condition to the satisfaction of the Director of Services for Communities.

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- (6) That the licence holders keep a full and complete record of all tests and inspection schedules as described above and that these be available for inspection at all times by inspectors from the Department of Services for Communities.

(Reference – application and associated papers, submitted.)

5 Taxi Driver's Licence – Suspension (Agenda Item B3)

The Director of Corporate Governance provided details of action taken by the Acting Director of Corporate Services, 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.

The Sub-Committee was invited to consider whether or not to continue to suspend the licence and if so, the duration of the suspension and if the decision was for suspension, to decide whether or not it would be with immediate effect.

Decision

- (1) To note the action taken by the Acting Director of Corporate Services in consultation with the Convener of the Regulatory Committee in terms of Standing Order 63 to suspend the licence.
- (2) To suspend the Taxi Driver's Licence with immediate effect extending beyond 28 November 2011 until the date the renewal application was considered.

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

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 14 October 2011

Present:- Councillors Munn (Convener), Cairns, Dundas, Henderson, Kate MacKenzie, Elaine Aitken (substituting for Councillor Mowat), Perry and Snowden.

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

Details were provided of 12 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 Kate MacKenzie requested that her dissent be recorded in respect of the decision for agenda item 3.4, the application for a Public Entertainment Licence by Pure Gym Ltd at 15 Lauriston Place.

2 House in Multiple Occupation Licence – Monitoring Report – 113 (Flat 1) Bellevue Road

Details were provided of the results of the monitoring of the property at 113 (Flat 1) Bellevue Road which included tenancy management, as requested by the Sub-Committee at its meeting on 28 January 2011

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Decision

To note the report.

(References – Licensing Sub-Committee of the Regulatory Committee 28 January 2011 (Item 1(8)); report by the Director of Services for Communities, 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

Details were provided of 16 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.)

Licensing Sub-Committee
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APPENDIX 1

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

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.1 - Application for Late Hours Catering Licence - 336 Morningside Road - Fabulous Foods Limited (Pizza Hut)	Carry out / delivery only 11pm – 3am	20.10.11	To refuse the application in terms of Paragraph 5(3)(c)(ii) and (iv) of Schedule 1 to the Civic Government (Scotland) Act 1982.
Item 3.2 - Application for Street Trader Licence - West Princes Street Gardens - John Hunter	Hot and cold food and drinks (1 year)	27.12.11	1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence and 2) A 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.
Item 3.3 - Application for Street Trader Licence - Middle Meadow Walk - Katarzyna Kulas	Candy Floss	04.01.12	To indicate that the Licensing Sub-Committee were minded to grant the licence subject to the Council's standard conditions for this category of licence and to authorise the Director of Corporate Governance to issue the licence when all outstanding issues have been cleared by the Director of Services for Communities.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.4 - Application for Public Entertainment Licence - 15 Lauriston Place - Pure Gym Ltd	Opening 24 hours until 30 June 2012	30.12.11	<p>1. To grant the renewal of the licence for a period of six months subject to standard licence conditions.</p> <p>2. The applicant to provide all training and first aid qualification certificates to the Director of Services for Communities within 28 days.</p> <p>3. The Director of Services for Communities to undertake monitoring for a period of six months and report to the Sub-Committee at the end of this period.</p> <p>(Councillor Kate MacKenzie requested that her dissent be recorded.)</p>
Item 3.5 - Application for Street Trader Licence - Westside Piazza, Wester Hailes - Elaine Macrae	Hot and cold food and drink	12.03.12	To note the application had been withdrawn.
Item 3.6 - Application for Second Hand Dealers Licence - Exemption 38 Seafield Road - Arnold Clerk Automobiles Ltd	Second hand car dealership Permission to sell goods within 48 hours of acquisition	N/A	To continue to the meeting of 18 November at the applicant's request.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
<p>Item 3.7 - Application for Second Hand Dealers Licence - Variation - 112 Kinaird Park, 33 Gyle Centre, Unit 22 Cameron Toll, Unit 4 Ocean Terminal, 32 St James Centre, 127 Princes Street - Game Group Limited</p>	<p>Variations:</p> <ol style="list-style-type: none"> 1. To maintain computerised records in place of transaction book. 2. To trade with persons under 16 years of age. 	N/A	To continue to the meeting of 18 November at the applicant's request.
<p>Item 3.8 - Application for Second Hand Dealers Licence - Exemption - 112 Kinaird Park, 33 Gyle Centre, Unit 22 Cameron Toll, Unit 4 Ocean Terminal, 32 St James Centre, 127 Princes Street - Game Group Limited</p>	Permission to sell good within 48 hours of acquisition.	N/A	To continue to the meeting of 18 November at the applicant's request.
<p>Item 3.9 - Application for Public Entertainment Licence - 2 Huly Hill Road, Newbridge - Xtreme Carting Ltd</p>	1 year	11.11.11	<ol style="list-style-type: none"> 1. To grant the renewal of the licence until 31 December 2011 subject to standard licence conditions. 2. The Director of Services for Communities to liaise with the National Karting Association through the Health and Safety Executive in regard to the ventilation system.
<p>Item 3.10 - Application for House in Multiple Occupation Licence - 58 (2F2) Findhorn Place - Robin Jonathan Turnbull</p>	3 Occupants	08.07.12	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.11 - Application for House in Multiple Occupation Licence - 113 (Flat 1) Bellevue Road - Nicolas Cook	4 Occupants	12.06.12	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 of the Council's Standards for Houses in Multiple Occupation.
Item 3.12 - Application for House in Multiple Occupation Licence - 21 (Flat 7) Arthur Street - Colin Webb	3 Occupants	29.03.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 2 November 2011

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

1 Applications for Miscellaneous Licences

Details were provided of 22 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and the Housing (Scotland) Act 2006.

Decision

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

(Reference – list of applications, submitted.)

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APPENDIX 1

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

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.1 - Application for House in Multiple Occupation Licence - 10 (3F1) Polwarth Crescent - Elizabeth Allen	5 Occupants	02.09.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.2 - Application for House in Multiple Occupation Licence - 333 (1F1) Easter Road - Simon and Claire Brignall	4 Occupants	14.03.12	To refuse the application in relation to the day to day manager in terms of Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982.
Item 3.3 - Application for House in Multiple Occupation Licence - 11(2F2) Jameson Place - Grant Property	3 Occupants	16.05.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.4 - Application for House in Multiple Occupation Licence - 5 (2F1) Comiston Gardens - Scott and Eileen Craig	4 Occupants	22.07.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.5 - Application for House in Multiple Occupation Licence - 30 (2F2) Balcarres Street - Hoolihan Ltd	3 Occupants	22.07.12	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

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.6 - Application for House in Multiple Occupation Licence - 33 (2F2) Portland Street - Eve Chung	4 Occupants	14.03.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.7 - Application for House in Multiple Occupation Licence - 12(3F2) Kirk Street - Grant Residential Property Ltd	5 Occupants	26.06.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.8 - Application for House in Multiple Occupation Licence - 44(1F) Kirk Street - Grant Residential Property Ltd	5 Occupants	26.06.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.9 - Application for House in Multiple Occupation Licence - 1(2F3) Tinto Place - Grant Residential Property Ltd	4 Occupants	26.06.12	<p>1) To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence</p> <p>2) The installation of carpets with good quality underlay throughout the property within 2 months</p> <p>3) The Director of Services to report to the Sub-Committee in two months or at the conclusion of the ongoing discussions with the managing agent on tenancy management issues</p>

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.10 - Application for House in Multiple Occupation Licence - 40(2F1) Madeira Street - Grant Residential Property Ltd	5 Occupants	26.06.12	Continued to meeting of 18 November 2011 at the request of the Director of Corporate Governance
Item 3.11 - Application for House in Multiple Occupation Licence - 95(3F2) Slateford Road - Grant Residential Property Ltd	3 Occupants	24.07.12	<p>1) To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence</p> <p>2) The installation of carpets with good quality underlay throughout the property within 2 months</p>
Item 3.12 - Application for House in Multiple Occupation Licence - 13(3F2) Annandale Street - Fenner Austin	5 Occupants	07.05.12	Continued to meeting of 16 December 2011 to allow the applicant to attend
Item 3.13 - Application for House in Multiple Occupation Licence - 56(2F2) India Street - Andrew Abram	4 Occupants	24.02.12	Continued to the meeting of the Sub-Committee on 27 January 2012 for the Director of Services for Communities to facilitate a meeting between the residential and HMO owners, and their managing agents to progress options for investigating noise transference in the tenement, with a report being submitted to the Sub-Committee

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.14 - Application for House in Multiple Occupation Licence - 94(2F1) Dundas Street - Cardoness Holiday Park	4 Occupants	28.03.12	<p>1) To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence</p> <p>2) The installation of carpets with good quality underlay throughout the property (with the exception of the kitchen and bathroom) within 2 months</p> <p>3) the ash deafening be inspected by the Director of City Development with a report being submitted to the Sub-Committee if required</p>
Item 3.15 - Application for House in Multiple Occupation Licence - Flat 8, 7 Dicksonfield - Shastra Property and Development Ltd	4 Occupants	29.03.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.16 - Application for House in Multiple Occupation Licence - 25(1F2) St James Square - Pollyanna Multon	4 Occupants	23.04.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 3.17 - Application for House in Multiple Occupation Licence - 123 Gracemount Drive - Andrew Simpson	3 Occupants	04.04.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 3.18 - Application for House in Multiple Occupation Licence - 2(1F1) Eden Terrace - Alasdair Slessor	4 Occupants	03.05.12	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 of the Council's Standards for Houses in Multiple Occupation.
Item 3.19 - Application for House in Multiple Occupation Licence - 51(1F2) Montpelier Park - Cheryl and Magnus Campbell	3 Occupants	06.05.12	1) To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence. 2) The installation of carpets with good quality underlay throughout the property within 2 months
Item 3.20 - Application for House in Multiple Occupation Licence - 21(3F) East Claremont Street - Richard McGlashen	4 Occupants	08.05.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.21 - Application for House in Multiple Occupation Licence - 1 (Flat 7) Powderhall Brae - Peter Henderson	3 Occupants	09.05.12	To note that the application had been withdrawn

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
<p>Item 3.22 - Application for House in Multiple Occupation Licence - 9 (2F1) Spottiswoode Road - Shona Walker</p>	<p>3 Occupants</p>	<p>30.05.12</p>	<p>1) To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.</p> <p>2) To note that the applicant's agent had given an undertaking to install carpets with good quality underlay throughout the property if there were noise complaints in regard to the wooden flooring in the property</p>

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 16 November 2011

Present: Councillors Munn (Convener), Cairns, Henderson, Kate MacKenzie and Mowat.

1 Request for Refund of Application Fee – Ad Cab Taxi Advertising

A request had been received from Ad Cab Taxi Advertising for the refund of a £169 application fee for a variation of a taxi licence to allow the display of an advertisement for charitable purposes.

Decision

To approve the refund to Ad Cab Taxi Advertising of the £169 application fee.

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

2 Wheelchair Accessible Taxis – Fitness of Taxi Drivers

The Director of Corporate Governance provided details of seven requests from taxi drivers for exemptions from compliance with 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 Director of Corporate Governance.

Decision

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

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

3 Request for Re-arrangement of Taxi Licences Held by Fast Black Cabs Ltd and Black Cabs Edinburgh Ltd

The Convener ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency in order that the matter be dealt with as soon as possible.

A request had been received for the reallocation of 4 taxi licences held by one company, following the recent death of the day-to-day manager of the licences, Mr Frederick Woodfall.

The late manager's daughter, Mrs Valerie Stevenson, was heard.

Decision

To approve, in principle, the re-allocation of 4 taxi licences.

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

4 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.

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

The Director of Corporate Governance provided details of 14 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 28 day period in terms of Paragraph 3(i) 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.

(References – applications submitted and additional information in relation to items B1.3, B.6, B1.10, B1.12 and B1.14, tabled.)

6 Taxi Driver's Licence – Suspension (Agenda Item B2)

The Director of Corporate Governance 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.

The Sub-Committee was invited to consider:-

- (i) whether or not to suspend the licence and if so for how long;
- (ii) if the decision were for suspension, to determine whether or not it would be with immediate effect; and
- (iii) whether the applicant was to attend a medical with Capita Health Solutions to confirm that he was physically fit to drive a taxi.

The licence holder was heard.

Decision

To suspend the licence, with immediate effect, until an evidential hearing was held on 14 December 2011.

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

7 Taxi Driver's Licence – Suspension (Agenda Item B3)

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

The Sub-Committee was invited to consider:-

- (i) whether or not to suspend the licence and if so for how long; and

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- (ii) if the decision was for suspension, to determine whether or not it be with immediate effect.

Decision

To suspend the licence, with immediate effect, extending beyond 30 May 2012 until the date any renewal application was considered by the Sub-Committee.

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

8 Private Hire Car Driver's Licence – Suspension (Agenda Item B4)

The Director of Corporate Governance provided details of a complaint by the Chief Constable against the 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:-

- i) whether or not to suspend the licence; and
- ii) if the decision was for suspension, to determine whether or not it be with immediate effect.

Decision

To continue consideration of the matter to the meeting of the Sub-Committee of 14 December 2011 to allow the applicant to attend.

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

9 Private Hire Car Driver's Licence – Suspension (Agenda Item B5)

The Director of Corporate Governance provided details of a complaint by the Chief Constable against the 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:-

- (i) whether or not to suspend the licence; and
- (ii) if the decision was for suspension, to determine whether or not it be with immediate effect.

The licence holder was heard.

Decision

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

(Reference – report by the Director of Corporate Governance, submitted and letter of support, tabled.)

10 Private Hire Car Driver's Licence – Suspension (Agenda Item B6)

The Director of Corporate Governance provided details of a complaint by the Chief Constable against the 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.

Decision

To note the action taken.

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

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 18 November 2011

Present:- Councillors Munn (Convener), Lang (Vice-Convener), Cairns, Kate MacKenzie, Mowat and Snowden.

1 Second Hand Dealer's Exemption from 48 Hour Rule – Remitted Appeal – Arnold Clark Automobiles Limited, 20-23 Seafield Road, Edinburgh

An appeal had been lodged with the Sheriff Court against the decision of the Licensing Sub-Committee on 20 May 2011 to refuse to make an order granting an exemption Section 25(1) of the Civic Government (Scotland) Act 1982, providing that the 48 hour restriction on trading would not apply to stock in trade at the applicant's premises at 20-23 Seafield Road, Edinburgh. The Sheriff had remitted the application back to the Committee for reconsideration.

The applicant and his agent were heard.

Decision

To make an order granting an exemption from Section 25(1) of the Civic Government (Scotland) Act 1982 for a period of six months subject to the following conditions:-

All vehicles being purchased being subject to:-

- (i) An HPI check.
- (ii) A mileage check if required.
- (iii) V5 registration document to be checked.
- (iv) MOT document being checked against VOSA system.
- (v) Verification of the vehicle against all checks undertaken.
- (vi) The seller or purchaser of any goods covered by the licence to confirm their identity with two original proof of ID one of which must be photographic, eg driving licence or passport.
- (vii) All CCTV records being properly maintained and made available for inspection on request by the police or an officer of the Council.

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(References – Licensing Sub-Committee 20 May 2011 (item 10); report by the Director of Corporate Governance, submitted.)

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

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

Decision

To determine the applications as detailed in Appendix 1 to this minute.

(Reference – list of applications, submitted.)

3 Chair

The Convener vacated the Chair and the Vice-Convener assumed the Chair for consideration of agenda item 4.3, miscellaneous applications.

4 House in Multiple Occupation Licence – Monitoring Report – 51 (3F1) Morningside Road, Edinburgh

Details were provided of the results of a six months monitoring period for the property at 51 (3F1) Morningside Road as requested by the Sub-Committee at its meeting on 18 March 2011.

Decision

To note the contents of the report.

(References – Licensing Sub-Committee of the Regulatory Committee 18 March 2011 (minute item 1.14); report by the Director of Services for Communities, submitted.)

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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 (Agenda Item B1)

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

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.)

7 Public Entertainment Licence – Request for Suspension (Agenda Item B2)

The Director of Corporate Governance provided details of a request received from the Chief Constable for suspension of a Public Entertainment Licence, on the grounds that the carrying on of the activity to which the licence related was causing or was likely to cause undue public nuisance or a threat to public order or public safety.

The Sub-Committee was invited to consider:-

- 1) whether or not to suspend the licence, and if so for how long; and
- 2) if the decision was for suspension, to determine whether or not it should be with immediate effect.

The licence holder, the tenant of the property and their legal agent were heard.

Decision

To suspend the licence, with immediate effect, until expiry.

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

8 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 (Agenda Item B3)

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

Decision

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

(Reference – list of application, submitted.)

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APPENDIX 1

(As referred to in item 2 of the foregoing Minute)

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
<p>Item 4.1 - Second Hand Dealers Licence Exemption - Arnold Clark Automobiles Limited - 38 Seafield Road</p>	<p>Second Hand Car Dealership</p> <p>Permission to sell good within 48 hours of acquisition.</p>	<p>N/A</p>	<p>To make an order granting an exemption from Section 25(1) of the Civic Government (Scotland) Act 1982 for a period of six months subject to the following conditions:-</p> <p>1) All vehicles being purchased being subject to the following:</p> <p>i) An HPI Check.</p> <p>ii) A mileage check if required.</p> <p>iii) V5 registration document to be checked.</p> <p>iv) MOT document being checked against VOSA system.</p> <p>v) Verification of the vehicle against all checks undertaken.</p> <p>vi) The seller or purchaser of any goods covered by the licence to confirm their identity with two original proof of ID one of which must be photographic, eg driving licence or passport.</p>

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
			vii) All CCTV records being properly maintained and made available for inspection on request by the Police or officer of the Council.
<p>Item 4.2 - Second Hand Dealers Licence Variation - Game Group Limited - 11 Kinaird Park, 33 Gyle Centre, Unit 22 Cameron Toll, Unit 4 Ocean Terminal, 32 St James Centre, 127 Princes Street</p>	<p>Variations:</p> <p>1. To maintain computerised records in place of transaction book.</p> <p>2. To trade with persons under 16 years of age.</p>	N/A	<p>1) To grant the variation to allow the keeping of computerised records for a period of three months subject to:-</p> <p>(i) The serial numbers being recorded for all second-hand games consoles.</p> <p>(ii) Receipts for all transactions involving second-hand goods being available for inspection for a period of two years.</p> <p>(iii) All items for second-hand trade being kept in "quarantine" for 48 hours before being released for sale to the public.</p> <p>2) The Director of Services for Communities to report in three months on the suitability of the computer system to meet the requirements of the conditions of licence.</p> <p>3) To grant the variation to allow trading with persons under 16 years of age for a period of three months subject to that person being accompanied by an adult.</p>

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 4.3 - Second Hand Dealers Licence Exemption - Game Group Limited - 11 Kinaird Park, 33 Gyle Centre, Unit 22 Cameron Toll, Unit 4 Ocean Terminal, 32 St James Centre, 127 Princes Street	Permission to sell good within 48 hours of acquisition.	N/A	To make an order granting an exemption from Section 25(1) of the Civic Government (Scotland) Act 1982 in relation to any item acquired by the applicants on a Saturday or Sunday subject to the condition that the applicant should not dispose of any such item until the expiry of 48 hours after acquiring it.
Item 4.4 - House in Multiple Occupation Licence - Edinburgh Napier University - Block 7 West Bryson Road, Flats Nos 1 to 16 and Block 9 West Bryson Road, Flat Nos 1 to 19	N/A	18.12.11	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 4.5 - House in Multiple Occupation Licence - Edinburgh Napier University - Block 6 Morrison Circus, Flats Nos 1 to 12 and Block 7 Morrison Circus, Flat Nos 1 to 12	N/A	18.12.11	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 4.6 - Street Trader Licence - The Elephant Juice Company Limited - Middle Meadow Walk	0730 – 2300 (Food)	14.03.12	1) To note the applicant's intention to withdraw the application and lodge a new application for an alternative site agreed with Roads Services. 2) To transfer the fee for this application to the new application.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 4.7 - Street Trader Licence - Margaret Leadbetter - Waverley Bridge	0900 – 1800 (Prints and Paintings)	10.02.12	1) To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence. 2) A 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.
Item 4.8 - Street Trader Licence - Callum O'Neill - St Mary's RC Cathedral, 61 York Place	Mon – Sun 0630 – 0100 Aug 1 – Sept 6 and during December 2011 and January 2012 - 0100 – 0300 (Food)	10.02.12	To delegate authority to grant the renewal of the licence to the Director of Corporate Governance on the applicant providing the appropriate food safety certificate in terms of s.39(4) of the Civic Government (Scotland) Act 1982, such grant to be subject to the standard licence conditions and subject to the hours of operation being Monday – Sunday 0630 - 0100
Item 4.9 - Second Hand Dealer Licence - Edinburgh Motor Company Limited - 21 McDonald Place	Mon – Sat 0900 – 1800 (Used Cars)	08.01.12	To refuse the application in terms of Paragraph 5(3)(c)(i)(ii) and (iv) of Schedule 1 to the Civic Government (Scotland) Act 1982.
Item 4.10 - Late Hours Catering Licence - Madras Cottage (Mohammed Vaseem) - 104 St John's Road	Sunday – Thursday 2300 – 0100 Fri – Sun 2300 – 0200	20.03.12	To repel the objections and grant the licence for the hours Sunday – Thursday 11 pm - 12 midnight and Friday – Saturday 11 pm – 1 am subject to the Council's Standard Conditions for this category of licence.

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Agenda Item No/Type of Licence Applicant/ Premises	Conditions applied for	Determination Date	Decision
Item 4.11 - Late Hours Catering Licence - Antonio Andreucci (Tony's Fish Bar) - 52 Niddrie Mains Road	Sun – Sat 2300 – 0100	06.12.12	To repel the objections and grant the licence for the hours Sunday – Thursday 11 pm - 12 midnight and Friday – Saturday 11 pm – 1 am subject to the Council's Standard Conditions for this category of licence.
Item 4.12 - House in Multiple Occupation Licence - Alan Mackie - 40(1F1) Madeira Street	3 Occupants	29.05.12	To continue the application to the meeting of 27 January 2012 at the request of the applicant.
Item 4.13 - House in Multiple Occupation Licence - Dawn Breslin - 40 (1F1) George IV Bridge	6 Occupants	01.04.12	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 4.14 - House in Multiple Occupation Licence - L Kulasuriya - 9 (2F1) Montague Street	3 Occupants	12.03.12	To continue the application to the meeting of 16 December 2011 at the request of the applicant.

Street Trader Licensing

Regulatory Committee

16 December 2011

1 Purpose of report

- 1.1 To provide the Committee with a summary of a number of outstanding matters arising from the Council's existing policy on street trading;
- 1.2 To offer guidance on proposals for changes to the Council's policy;
- 1.3 To suggest a process of consultation and further investigation.

2 Summary

- 2.1 This report seeks to draw together a number of issues which have been highlighted in connection with the licensing of street trading within the City of Edinburgh area over recent years, having regard to the Council's existing policy.
- 2.2 During the period in which the Council's current policy on street trading has operated, a number of specific issues have been identified as requiring further consideration. These include:-
 - (a) consideration of controls on street trading activity in specified geographical areas;
 - (b) conditions of licence;
 - (c) specific types of street trader activity.
- 2.3 Given that the Council last considered its overall policy relating to Street Trader Licensing in terms of a report (following detailed consultation) on 9th December 2004, it is considered appropriate for this matter to be considered further by the Regulatory Committee at this time.
- 2.4 Any change to adopted policy would require, in terms of relevant case law, consultation with those likely to be affected by such change.

3 Main report

- 3.1 The operation of street trader licensing in the City of Edinburgh is controlled by means of section 39 of the Civic Government (Scotland) Act 1982. The definition of street trading in the 1982 Act includes, within a public place, “offering to carry out or carrying out for money or money’s worth any service to any person in the public place...”.

The 1982 Act states that the licence is required “for street trading by a person, whether on his own account or as an employee”.

- 3.2 The Council’s current conditions of licence for street traders are appended to this report, (appendix 1). There are additional, general conditions attached to street trader licences for pedicabs.
- 3.3 The Council’s current policy on street trading in the city was approved in December 2004, after extensive consultation (appendix 2). Representations were made with regard to pedicabs during that process and the Council agreed that the operation of pedicabs should form the subject of a separate report. A detailed report, to include consideration of areas for improvement of the existing regime is intended to be made available for the Committee’s consideration in January 2012.

Hot Food Takeaway Units

- 3.4 On 15 October 2009, the Council, following consideration of a Motion by Councillor Mowat, asked the Director for a report on hot food takeaway units, specifically “whether it is appropriate to site such units within 200 metres of:

- designated local shopping areas as they compete with rate paying businesses in the area and can create pavement congestion;
- school boundaries as their presence within this boundary undermines the Council’s commitment to promote healthy eating within our schools.”

- 3.5 In considering applications for grant or renewal of street trader licences, the Committee is entitled to consider refusal of an application where it is considered that the unit “...is not suitable or convenient for the conduct of the activity having regard to-

- (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii) the nature and extent of the proposed activity;
- (iii) the kind of persons likely to be in the premises, vehicle or vessel;
- (iv) the possibility of undue public nuisance; or
- (v) public order or public safety”,

all as provided in terms of paragraph 5(3)(c) of schedule 1 of the Civic Government (Scotland) Act 1982. The Act also provides for consideration of “other good reason for refusing” an application.

In light of the extensive grounds for refusal as stated above, it is suggested to the Committee that there are adequate powers available to enable the Committee to reach decisions on individual applications, on a case by case basis.

3.6 The adoption of policies has the benefit of ensuring that those applying for licences are aware of the locations and types of activity which may be favourably considered and those which will not. However in consideration of prescriptive zoning policies, the Council’s powers are limited by the Provision of Services Regulations 2009, which give effect to the EU Services Directive.

3.7 The Regulations prohibit the following:

21(e) “the case-by-case application of an economic test making the granting of authorisation subject to-

- (i) proof of the existence of an economic need or market demand,
- (ii) an assessment of the potential or current economic effects of the activity, or
- (iii) an assessment of the appropriateness of the activity in relation to the economic planning objectives set by the competent authority...”

3.8 Regulation 22(2)(a) refers to “quantitative or territorial restrictions, in particular in the form of limits fixed according to population or of a minimum geographical distance between persons providing the service...”. The effect of the regulation is that the licensing authority is required to ensure that it does not make access to street trading dependent upon such a requirement.

3.9 However such “quantitative or territorial restrictions” may be imposed, provided that the following conditions are met:-

- (a) non-discrimination;
- (b) necessity – i.e. overriding reason relating to the public interest;
- (c) proportionality

200m exclusion – competition issues

3.10 With regard to the first part of the 15 October 2009 Motion, it is suggested that adopting a general policy which seeks to control or prohibit street trader licensing with particular regard to other, competing businesses in a particular location would be challengeable in terms of the 2009 Regulations, and Regulation 21(e) in particular. Given that Paragraph 5 of schedule 1 to the 1982 Act requires to be read in such a manner as to give effect to the EU Services Directive, the Committee would be entitled to give consideration to such a territorial restriction on a case by case basis as at present, provided that

it continued to have regard to non-discrimination, necessity (for example, pavement overcrowding with regard to public safety) and proportionality.

200m exclusion – education/health reasons

- 3.11 With regard to the adoption of a 200 metre exclusion zone policy around schools, the Committee has previously considered individual applications in the vicinity of educational establishments, addressing these on a case by case basis. An exclusion zone policy would likely be considering to be a quantitative or territorial restriction in terms of Regulation 22(2)(a). The Committee would be entitled to consider the adoption of such a policy since the terms of Regulation 22(3) could be met, namely non-discrimination (applicable to all applicants), necessity (in relation to public health in particular) and proportionality (on the basis that the restriction would only be applicable around schools). Prior to formal adoption of such a policy there should be a process of consultation with those street traders likely to be affected and consideration of any responses received.

Grassmarket

- 3.12 During recent meetings of the Council's Licensing Sub-Committee, particular consideration has been given to the areas included in the Council's existing zoning policy for street trader licensing throughout the city, as detailed in appendix 3. Committee members have asked for further consideration of the Grassmarket area, on the basis that public realm works there have been completed. On 6 June 2008 a report was submitted to the Regulatory Committee regarding the Grassmarket area, referring to the public realm works there and advising of intended future use as a performance and events space. Following consideration of that report, the Committee agreed "(1) that only temporary street trader licences would be granted for the Grassmarket area and (2) that a further report on the future of street trading in the Grassmarket would be submitted when proposals for the future use of the locale had been finalised". This decision regarding temporary licences was only to have force for the remainder of 2008.
- 3.13 As highlighted above, any change to existing policy requires to be compatible with the provisions of the 2009 Regulations. The council already has well-established policies in place in relation to locations throughout the City of Edinburgh and it is suggested that these clear policies assist in ensuring non-discrimination and proportionality, as required by the 2009 Regulations. The Committee may wish to consider whether the Grassmarket area, as being an area with limited availability for trading activity would benefit from the adoption of a policy restricting the duration of grants of licence, i.e. temporary licences only, on a similar basis to that which is in place for the High Street and Hunter Square areas. It is not proposed however to restrict trading to non-food items only.
- 3.14 It is recognised that the Grassmarket area, whilst a central location with much commercial activity, is also a residential area. These may be factors to be considered by the Committee when deciding upon the necessity or otherwise of a policy controlling street trading activity in the area. Again however the

Committee is recommended to consult with those street traders likely to be affected, prior to the formal adoption of any policy in this regard.

Conditions of licence

- 3.15 During recent meetings of the Council's Licensing Sub-Committee regarding consideration of grant and renewal of street trader licences in the city centre area in general and particularly in the Mound Precinct and Playfair Steps areas, the Committee was asked to consider the imposition of an additional condition of licence, namely "that trading may be suspended on certain days specified by the Director of City Development on due notice being given to the licence holder". In agreeing to impose this condition, the Committee directed on 16 September 2011 that the Director "submit a report to the Regulatory Committee on the proposed implementation of the additional condition".
- 3.16 The Committee instructed an update on the operation of this condition of licence. However four licenceholders have lodged appeals at the sheriff court with regard to the addition of the condition to the grant or renewal of their licences. Further information on the progress of these appeals will be reported to the Committee when this becomes available.

4 Financial Implications

- 4.1 There are no financial implications arising from the proposals in this report.

5 Environmental Impact

- 5.1 Any adverse environmental impacts arising from the placing of street traders in the public domain, and the activities in which they engage, would be mitigated by means of licensing conditions.

6 Equalities Impact

- 6.1 On the basis that applications for street trader licences are each dealt with according to their respective merits, it is suggested that there is no adverse impact on the public sector equalities duty. There is therefore no direct equalities impact arising from this report.

7 Recommendations

- 7.1 The Committee is asked to note the terms of the report and, on the basis that a process of consultation and further reporting may be required, to give particular consideration to the following recommendations:
- a) in light of the requirements of the Provision of Services Regulations 2009, not to introduce a policy which controls the siting of street trading units within 200 metres of designated local shopping areas;
 - b) to decide whether or not it would be appropriate to introduce a policy which controls the siting of street trading units within 200 metres of school boundaries;

- c) to decide whether or not a specific policy relating to street trading activity is required in relation to the Grassmarket area and the terms of such a policy.

Alastair Maclean
Director of Corporate Governance

Appendices	<ol style="list-style-type: none">1. Conditions of licence for street traders2. Street Trading in the City – current policy3. Specified Zones for Street Traders
Contact/tel/Email	Nick Fraser, Senior Solicitor / 0131 5294424 / nicholas.fraser@edinburgh.gov.uk
Wards affected	citywide
Single Outcome Agreement	<p>Supports National Outcome 1 – “We live in a Scotland that is the most attractive place for doing business in Europe”</p> <p>Supports Local Outcome – “Edinburgh is an internationally competitive business location that attracts talent and investment to its growing knowledge-based economy”</p> <p>Supports National Outcome 2 – “We realise our full economic potential with more and better employment opportunities for our people”</p> <p>Supports Local Outcome – “Edinburgh's economy is strengthened, through the skills development and economic participation of its population”</p> <p>Supports National Outcome 10 – “We live in well-designed, sustainable places where we are able to access the amenities and services we need”</p>
Background Papers	<p>Minutes of City of Edinburgh Council – 9th December 2004 (item 11)</p> <p>Minutes of Regulatory Committee – 6th June 2008 (item 3)</p> <p>Minutes of City of Edinburgh Council – 15th October 2009 (item 9)</p> <p>Minutes of Licensing Sub-Committee – 16th September 2011 (item 4)</p>

STANDARD CONDITIONS – ALL STREET TRADERS

1. The licenceholder shall not carry on business on any street so as to unreasonably obstruct road users or affect their safety.
2. The licenceholder shall carry on business subject to any direction which the police or authorised officers of the City of Edinburgh Council may reasonably be required to give.
3. The licenceholder shall sell or offer or expose for sale only good or articles described in the licence. In particular no goods or articles of an objectionable or indecent character shall be sold or offered for sale.
4. The licenceholder shall on all occasions, when carrying on business, behave in a proper and civil manner, and shall not carry on business in such a way as to cause a nuisance or annoyance to any person.
5. The licenceholder shall at all times conduct business and position any vehicle used in connection with the business in such a manner that no danger is likely to arise to any other person.
6. The licenceholder shall at all times when trading wear the identity card which is issued with the licence. The licence must be displayed on any vehicle or stance.
7. The licenceholder shall not lend or allow any other person to use any licence or identity card issued by the Council.
8. The licenceholder shall trade only between the hours of operation stated in the licence. At the end of trading hours the licenceholder shall remove and take away any stall, kiosk, mobile unit or vehicle and all other ancillary equipment placed on or in the vicinity of the trading stance.

STANDARD CONDITIONS - STANCES

9. The licenceholder shall trade only from the stance detailed in the licence.
10. The licenceholder shall obtain all necessary and appropriate consents prior to commencing trading from any stance and in particular the consent of the owners of any land on which a stance is to be situated or which is adjacent to any stance.
11. The licenceholder shall, during business hours and at the end of each day, ensure the collection and removal of any paper, food wrapping, food, litter or refuse, containers and drinks containers on any pavement around the stance within a distance of 25 metres either side. If adjacent stances, to which the street trading licence conditions apply, are within 25 metres, any distance to be cleaned shall be the mid-point between the two stances.

STANDARD CONDITIONS – VEHICLES AND MOBILE UNITS

12. The licenceholder shall trade from the vehicle or trailer detailed in the licence. If a vehicle or trailer is used by the licenceholder for trading in food the licenceholder must ensure that prior to the first and subsequent anniversaries of the commencement of the licence the vehicle is examined for and on behalf of the Council's Director of Environmental and Consumer Services. Any recommendations made by the Director as a result of the examination must be implemented within one month of the date of examination or such other date as had been mutually agreed. In addition the vehicle or trailer may require to be produced for inspection by the Council from time to time at such time and place as may reasonably be required by the Council. The vehicle or trailer shall be roadworthy and if it is to be used for trading during the hours of darkness it shall have sufficient light and reflectors as determined by the Council.
13. The licenceholder shall not use whistles or other sound producing devices apart from chimes and loudspeakers to attract business.
14. The licenceholder shall comply with all statutory provisions relating to noise and in particular with the provisions of section 62 of the Control of Pollution Act 1974 relating to the use of loudspeakers in streets.

STANDARD CONDITIONS – STALLS

15. All temporary structures shall be designed, erected and maintained to suit their intended purpose. The design and erection shall be to the satisfaction of the Council's Director of City Development.
16. All stalls shall be demountable and shall be removed from the stance at the end of trading hours on each working day.
17. Traded goods must be kept on and traded from the stall. At no time shall such goods be permitted to lie on the surrounding area or be left against adjacent walls or railings.

STREET TRADING IN THE CITY

On 9th December 2004 the City Of Edinburgh Council adopted a new policy on Street Trading in the city, which came into effect on 1st January 2005.

The policy has determined:

A. There will be a presumption AGAINST street trading in

1. The New Town, and especially George Street, St Andrew Square and Charlotte Square.
2. Areas around historic buildings, such as General Register House, the Royal Scottish Academy, the National Gallery, Parliament Square and St Giles Cathedral.
3. Princes Street, the Lawnmarket, the World Heritage Site and Conservation areas and the Mound Precinct.
4. South Gyle, Edinburgh Park and also high amenity business areas
5. Important gateways to the City.
6. Streets which are mainly residential

B. There will be a presumption in favour of street trading in

1. Areas of retail and entertainment activity
2. Low amenity areas, such as industrial estates or within the curtilage of business premises.

C. There will be a presumption in favour of temporary licences only certain areas, including

1. The High Street
2. Hunter Square

In which two areas only goods, and not food, may not be sold.

D. Hours of Operation

Traders selling food will be granted hours of operation no later than 11pm except street traders selling ice cream, confectionery, table waters and tobacco when the hours granted will be to 9.30pm and 10pm on Saturdays.

Applicants for licence are recommended to ensure that they are fully aware of the conditions which will require to be met prior to the Council's grant of such a licence. Full details are available on the Council's Licensing Website.

SPECIFIED ZONES FOR STREET TRADERS

The specified zones in the City of Edinburgh District in which street traders are permitted to trade shall be the streets within the including and following boundaries (with the exception of Princes Street, George Street, Rose Street, the Mound Precinct and the Royal Mile.

1. Queensferry Road, Hillhouse Road, Telford Road, Groathill Road North, Ferry Road, Pennywell Road, Marine Drive.
2. Marine Drive, Pennywell Road, Ferry Road, Groathill Road North, Telford Road, Queensferry Road, Dean Park Crescent, Comely Bank Avenue, East Fettes Avenue, Ferry Road, Granton Road, Wardie Steps to Lower Granton Road.
3. Granton Road from Wardie Steps to Ferry Road, East Fettes Avenue, Comely Bank Avenue, Dean Park Crescent, Queensferry Road, Queensferry Street to Princes Street, Waterloo Place, Regent Road, Easter Road, Leith Links to Seafield Road.
4. Seafield Road, Leith Links, Easter Road, Regent Road, Waterloo Place, North Bridge, South Bridge southward to Lady Road, Peffermill Road, Duddingston Road West, Duddingston Road, Southfield Place, Brighton Place, Bath Street to Promenade.
5. Bath Street, Brighton Place, Southfield Place, Duddingston Road, Duddingston Road West, Niddrie Mains Road, Newcraighall Road.
6. Newcraighall Road, Niddrie Mains Road, Peffermill Road, Lady Road, Gilmerton Road.
7. Gilmerton Road from City Boundary, Craigmillar Park northwards to North Bridge, Princes Street, Lothian Road, Earl Grey Street, Home Street, Leven Street, Bruntsfield Place, Morningside Road, Comiston Road, Biggar Road.
8. Biggar Road, Comiston Road, Morningside Road, Bruntsfield Place, Leven Street, Home Street, Earl Grey Street, Lothian Road, Shandwick Place, West Maitland Street, Dalry Road, Ardmillan Terrace, Slateford Road, Lanark Road.
9. Lanark Road, Slateford Road, Ardmillan Terrace, Gorgie Road, Calder Road.
10. Calder Road, Gorgie Road, Dalry Road, Haymarket Terrace, West Coates, Roseburn Terrace, Corstorphine Road, St John's Road, Glasgow Road.
11. Glasgow Road, St John's Road, Corstorphine Road, Roseburn Terrace, West Coates, Haymarket Terrace, West Maitland Street, Shandwick Place, Queensferry Street, Queensferry Road.
12. In the north by the shire at South Queensferry, in the east by the Edinburgh City Boundary, in the south by the River Almond and in the west by the District Council Boundary.
13. In the north by the River Almond, in the east by the Edinburgh City Boundary, in the south by the Calder Road (A71) and in the west by the District Council Boundary.
14. In the north by the Calder Road (A71) in the east by the Edinburgh City Boundary and in the south east, south and west by the District Council Boundary.

SUMMARY OF THE CODE OF PRACTICE ON NOISE FROM ICE CREAM VAN CHIMES ETC 1982

It is an offence to sound your chimes before 12.00 noon or after 7.00pm. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. A code of practice approved by the Government gives guidance on methods of minimising annoyance caused by your chimes. The main points of the code of practice are:-

Do not sound chimes

1. for longer than 4 seconds at a time;
2. more often than once every 3 minutes;
3. when the vehicle is stationary;
4. except on approach to a selling point;
5. when in sight of another vehicle which is trading;
6. when within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised day of worship);
7. more often than once every 2 hours in the same length of street;
8. louder than 80 dB(A) at 7.5 metres;*
9. as loudly in quiet areas or narrow streets as elsewhere.

REMEMBER : It is an offence to sound your chimes before 12.00 noon or after 7.00pm.
It is an offence to sound your chimes at any time in a way which gives reasonable cause for annoyance.

* Noise measurements should be undertaken with a meter which conforms to BS 5969:1981 (Type 1) (Specification for sound-level meters) set to the A-frequency weighting and the S-time weighting. The microphone should be held at a height of 1.2 metres above the ground, and at a distance of 7.5 metres from the loudspeaker. The microphone should, where necessary, be fitted with a windshield and the meter should be calibrated prior to use.

- END -

Request for Approval of Smart Car as Private Hire Car– Edinburgh City Private Hire Ltd

Regulatory Committee

16 December 2011

1 Purpose of report

- 1.1 For a decision whether to approve the two-seater Smart Car for licensing as a private hire car.

2 Summary

- 2.1 Edinburgh City Private Hire Ltd has asked for approval of the two-seater Smart Car for use as a private hire car.
- 2.2 It is recommended that approval be given.

3 Main report

- 3.1 S 10(1) of the Civic Government (Scotland) Act 1982 states that a licensing authority should not grant a private hire car licence unless they are satisfied that the vehicle is suitable in type, size and design for use as a private hire car and is safe for such use.
- 3.2 A request has been made by Edinburgh City Private Hire Limited for approval of the two-seater Smart Car for Two for use as a private hire car. A copy of their letter is attached at [Appendix 1](#).
- 3.3 The Smart Car is a mass produced vehicle, subject to usual safety and design testing. It is available in a range of engine sizes from a 799 cc diesel (producing 54 bhp) up to a 999 cc petrol (producing 84 bhp). The engine capacity is less than the 1500 cc stipulated in existing Conditions of Fitness. However, with a gross weight of only 1050 kg, this produces a power to weight ratio for the lowest powered model which is just below that of a TX4. Its performance is regarded as satisfactory for private hire car use.
- 3.4 The vehicle has limited luggage space. As its operation would be limited to prebooked hires, it would be for the booking office to ensure that passengers were made aware when they booked of the limited luggage space and provide them with an alternative vehicle if more luggage capacity was required.
- 3.5 Oxford City Council has licensed a Smart Car for use as a private hire vehicle.

- 3.6 The Cab Inspector has no objection to approval being given.
- 3.7 It is recommended that this vehicle be approved as suitable for licensing as a private hire car and that the Conditions of Fitness, requiring a minimum engine capacity of 1500 cc, four doors and having at least 4 seats for passengers, should be disregarded in relation to this vehicle. It is suggested any vehicle would be licensed to carry only one passenger.

4 Financial Implications

- 4.1 The introduction of such vehicles might result in an increase in the total number of vehicles requiring inspection. However, any additional costs would be recovered through licence application fees.

5 Equalities Impact

- 5.1 None.

6 Environmental Impact

- 6.1 The use of smaller vehicles with low emission levels and lower fuel consumption when only one passenger requires to be carried should be encouraged.

7 Recommendations

- 7.1 That approval is granted.

Alastair Maclean
Director of Corporate Governance

Appendices 1 Letter from Edinburgh City Private Hire Ltd

Contact/tel/Email Donald Macleod, Principal Solicitor (Licensing)
0131 529 4304 donald.macleod@edinburgh.gov.uk

Wards affected Citywide

Single Outcome Agreement

Supports National Outcome 14 – “We reduce the local and global impact of our consumption and production.”

Supports National Outcome 15 – “Our public services are high quality, continually improving, efficient and responsive to local people’s needs.”

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.



Edinburgh City Private Hire Ltd

7 Bankhead Avenue, Edinburgh EH11 4BT

Tel: 0131 477 4000 Email: admin@ecph.co.uk

Mr Donald MacLeod
Licensing Solicitor
City of Edinburgh Council
City Chambers
High Street
Edinburgh
EH1 1YJ

THE CITY OF EDINBURGH COUNCIL
LEGAL SERVICES DIVISION

21 SEP 2011

Dear Mr MacLeod,

LICENSING COUNTER

Ref. Proposed addition to the Approved Vehicles list

Whilst researching practical ways in which Edinburgh City Private Hire Ltd could reduce its carbon footprint, it came to our attention that many journeys booked with us carry only one passenger. However, our fleet vehicles are licensed to carry a varying number of passengers, ranging from four to eight.



With an aim of reducing the environmental impact of one passenger journeys we researched the marketplace for currently available small, low environmental impact vehicles. The car that stands out in terms of low CO2 emissions (less than 90g /km), excellent safety rating (4* NCAP rating for passenger safety), type M1 approval, and a small size eminently suitable for city traffic, is the Smart ForTwo.

We believe that we could successfully promote the use of this vehicle, particularly in the ever more environmentally conscious corporate market, and a survey of some of our larger contract customers supports this view. Transporting one passenger is an especially common occurrence arriving at or departing from Edinburgh's main transport hubs, and these hubs would be the focus of our marketing strategy for this particular vehicle type.

The licensing of this vehicle would obviously require a variation or change in the local licence conditions which govern the types of vehicle which are approved for Private Hire use.



Edinburgh City Private Hire Ltd

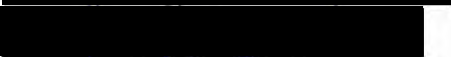
7 Bankhead Avenue, Edinburgh EH11 4BT

We formally request that the City of Edinburgh Council considers the addition of the Smart ForTwo car to it's list of approved vehicles for Private Hire use, on the basis of being licensed to carry 1 passenger only. The required changes in licence condition will necessitate our request being put forward to the appropriate committee for consideration, and we ask that this be done as soon as possible. Representatives from Edinburgh City Private Hire Ltd are of course available for discussions should the committee require it.

The management team here are enthusiastic about this concept, and see it as a sensible step forward in our drive towards more environmentally friendly transport solutions. We sincerely hope that the City of Edinburgh Council share this view.

Thank you.

Yours sincerely


Allan E. Gibson
Director
Edinburgh City Private Hire Ltd

Request for Permission for Advertisement on Private Hire Cars – Edinburgh City Private Hire Ltd

Regulatory Committee

16 December 2011

1 Purpose of report

- 1.1 For a decision whether to permit the name, logo and telephone number of a Booking Office on the rear passenger doors of private hire cars.

2 Summary

- 2.1 Edinburgh City Private Hire Ltd have asked for permission to place an additional sign on the rear doors of their private hire cars containing the company's name, logo and phone number.
- 2.2 Company names and phone numbers are permitted on private hire cars by the majority of Scottish councils. Scottish Government Best Practice Guidance endorses their use. Lothian and Borders Police consider they would help with enforcement.

3 Main report

- 3.1 Condition 68 in Private Hire Car licences states - "The holder of a private hire car licence shall not display in or on their private hire car any signs for any purpose of advertising other than those approved by the Council."
- 3.2 A request has been made by Edinburgh City Private Hire Limited for the display of advertising on private hire cars on their rear passenger doors. A copy of their letter and of the proposed advert is attached at [Appendix 1](#). The advert reads "To book this car call Edinburgh City Private Hire Ltd 0131 477 4000." The sign is shown in [Appendix 2](#) and is similar in shape and size to existing front door signs which read "Pre-booked hires only."
- 3.3 Lothian Borders Police Cab Inspector has indicated that he has no objection to approval being given. The presence of the signs could assist enforcement in tracing private hire vehicles and drivers to particular booking offices.
- 3.4 The Scottish Government's Best Practice Guidance on Taxi and Private Hire Car Licensing in 2007 states –

30it is reasonable, and in the interests of the travelling public, for a PHC operator to be able to state on the vehicle the contact details for hiring. In this regard authorities might consider introduction of a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking.

3.5 In relation to a similar request last year, all other Scottish Licensing Authorities were contacted to enquire as to their policies in this regard. 26 out of 31 responded. Of these, 18 (69% of responding councils) permitted the name and telephone number of a booking office to appear on private hire cars.

3.6 The current position in other Scottish cities is –

Glasgow – The council has, since 1996, required the name of the booking office and its telephone number to be on the rear window of phc's.

Dundee – Booking offices are permitted to display their name, logo and telephone numbers on phc's.

Aberdeen – Approval can be sought to display any advertisements on phc's but none carry advertisements.

4 Financial Implications

4.1 None.

5 Equalities Impact

5.1 None.

6 Environmental Impact

6.1 None.

7 Recommendations

7.1 That the Committee decides whether to grant approval.

Alastair Maclean
Director of Corporate Governance

Appendices	1 Letter from Edinburgh City Private Hire Ltd 2 Photograph of Door Sticker
Contact/tel/Email	Donald Macleod, Principal Solicitor (Licensing) 0131 529 4304 donald.macleod@edinburgh.gov.uk
Wards affected	Citywide
Single Outcome Agreement	Supports National Outcome 14 – “We reduce the local and global impact of our consumption and production.” Supports National Outcome 15 – “Our public services are high quality, continually improving, efficient and responsive to local people’s needs.” 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.



Edinburgh City Private Hire Ltd

7 Bankhead Avenue, Edinburgh THE CITY OF EDINBURGH COUNCIL
 Tel: 0131 477 4000 Email: admin@ecph.co.uk LEGAL SERVICES DIVISION

22 SEP 2011

20th September 2011

Mr Donald MacLeod
 Licensing Solicitor
 City of Edinburgh Council

LICENSING COUNTER

Dear Sir,

Ref. Application for enhanced signage for Edinburgh City Private Hire vehicles

We have previously made applications for enhanced signage for our vehicles, on the basis that it would help create a safer and more certain experience for our passengers. The issues already raised about the matter of unlicensed or unauthorised vehicles picking up unwitting members of the public, remain valid, and we wish to make a renewed application.

In a bid to greatly improve identification of properly Licensed vehicles, and thus reduce the likelihood of members of the public being induced into getting aboard the wrong car, or worse, an unlicensed car, we wish to formally apply for permission to use an additional and more informative rear door sticker on our vehicles.

This would improve the effectiveness, in terms of vehicle identification, of the currently authorised 'PreBooked Hires Only' sticker, thus aiding both passenger safety and enforcement. The proposed position of the new sticker is on the rear door, and would replicate the 'PreBooked Hires Only' sign's shape and size format. The additional information contained would be the company name and phone number. We will provide samples for your examination.

The Taxi trade and others may object by saying that enhanced identification of Private Hire vehicles may mislead the public into approaching or flagging down Private Hire cars for ad hoc hires, which is of course the preserve of the Taxi trade. However, it is worth pointing out that enhanced vehicle identification will make any offending drivers, and the companies they work for, very much easier to identify than is presently the case. This would assist enforcement officials, police, members of the public, and indeed Taxi drivers, in attacking an important if unrelated secondary issue.

We believe this request is reasonable, and we respectfully ask that this proposal be given serious consideration. Beyond Edinburgh there is wide support for this viewpoint, including the Scottish Governments Taxis and Private Hire Best Practice Guidance for Councils, a document which we assume is endorsed by the City of Edinburgh Council. Please see overleaf for the relevant vehicle signage extract from this document.



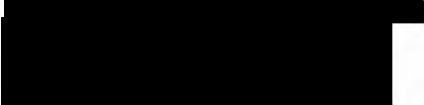
Edinburgh City Private Hire Ltd

7 Bankhead Avenue, Edinburgh EH11 4BT

Tel: 0131 477 4000 Email: admin@ecph.co.uk

38. In addition to the specified local authority licence plate or disc identifying the vehicle as a private hire car some clearer identification is best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is reasonable, and in the interests of the travelling public, for a phc operator to be able to state on the vehicle the contact details for hiring. In this regard authorities might consider introduction of a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as „prebooked only“. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking.

Yours faithfully,


Allan E. Gibson
Director
Edinburgh City Private Hire Ltd



Hire Car Licensing Consultation Group – Membership

Regulatory Committee

16 December 2011

Purpose of report

- 1 To advise the Regulatory Committee of a request for membership of the Hire Car Licensing Consultation Group.

Main report

- 2 At its meeting on 18 July 2007, the Regulatory Committee re-established the Hire Car Licensing Consultation Group. The current membership is attached as an Appendix.
- 3 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. The Group meets quarterly and it is considered to be a constructive method of consulting with the hire trade.
- 4 A request has been received from the Airport Taxi Drivers Association for membership of the Group.
- 5 The Association has 130 members who are either taxi or private hire licence holders and their membership of the Group would enhance the ability of the Council to consult with the hire car trade on policy issues.

Financial Implications

- 6 There are no financial implications arising from this report.

Environmental Impact

- 7 There are no adverse environmental impacts arising from this report.

Recommendation

- 8 To approve the membership of Airport Taxi Drivers Association to the Hire Car Licensing Consultation Group.

Alastair Maclean
Director of Corporate Governance

Appendices	Hire Car Licensing Consultation Group Existing Membership
Contact/tel/Email	Aileen McGregor, Legal and Administrative Services ☎ 0131 529 4325; e-mail: aileen.mcgregor@edinburgh.gov.uk
Wards affected	City-wide
Single Outcome Agreement	Supports National Outcome 15 – “Our public services are high quality, continually improving, efficient and responsive to local people’s needs.” Taxi and private hire car licensing requires to be well organised and effective to ensure adequate transportation services are available to meet the needs of business and tourism in the city and best value is obtained.
Background Papers	e-mail from Airport Taxi Drivers Association

HIRE CAR LICENSING CONSULTATION GROUP

MEMBERSHIP

REPRESENTATIVES OF THE CITY OF EDINBURGH COUNCIL

The Convener, Vice – Convener and two other members of the Regulatory Committee
The Head of Legal and Administrative Services or representative
The Director of City Development or representative
The Director of Services for Communities or representative
The Cab Inspector or representative

Note: The Convener of the Transport, Infrastructure and Environment Committee, and the Councils' appointed representative on the Executive Committee of Handicabs (Lothian) Limited are ex-officio members of the Group

TRADE REPRESENTATIVES

Transport and General Workers Union, Edinburgh
Airport Branch
Scottish Taxi Federation
City Cabs (Edinburgh) Ltd
Transport and General Workers Union, Edinburgh Cab
Branch
Central Radio Taxis
Edinburgh Hackney Cab Trade Credit Union
Comcab/Onward Travel Edinburgh
Edinburgh PHC Drivers Association
Edinburgh Taxi Association
Edinburgh City Private Hire

USER GROUPS

Edinburgh Disability Equality Forum
Lothian Community Transport Services

Late Hours Catering – Request from City of Edinburgh Licensing Board

Regulatory Committee

16 December 2011

1 Purpose of report

- 1.1 To request the Committee's views on the terminal hour of premises affecting two applications for variation of alcohol premises before the City of Edinburgh Licensing Board ('the Board') for decision.

2 Summary

- 2.1 On 28 November 2011, the Board deferred a decision in relation to two applications for variation of premises licence which sought terminal hours for a late hours catering business at variance with the City's policy on late hours catering as laid down by the Regulatory Committee.
- 2.2 The Board decided to seek the Committee's views on the hours sought in the applications prior to making a final determination.

3 Main report

- 3.1 The Board's Statement of Licensing Policy adopted 22 November 2010 supports the Council's policy on late hours catering hours of operation. The relevant section from the Statement comprises Appendix 1 to this report.
- 3.2 On 28 November 2011 the Board deferred a decision in relation to two applications for variation of premises licence which sought terminal hours for a late hours catering business at variance with the City's policy on late hours catering as last amended 25 October 2002. The Board decided to seek the views of the Committee on the hours sought.
- 3.3 The first application relates to premises at 23 Edinburgh Road, South Queensferry. The premises enjoy core hours permitting the sale of alcohol to 0100 hours the following day Mondays to Saturdays and 2300 hours on Sundays. The Chief Constable has provided the Board with a report indicating that the applicant intends to offer takeaways as an activity and that the premises fall within Zone 3 of the late hours catering policy i.e. a street with low night ambient noise attracting hours of 11pm to 12pm Sundays to Thursdays.

- 3.4 The second application relates to premises at 107-109 Fountainbridge, Edinburgh. The premises operate as a restaurant with a significant takeaway food provision. The premises enjoy core hours permitting the sale of alcohol to 0200 hours the following day Sundays to Thursdays and 0300 hours the following day Fridays and Saturdays. The Chief Constable has provided the Board with a report indicating that the applicant seeks to increase on-sale hours by extending the terminal hour to 3am Sundays to Thursdays and 4am Fridays and Saturdays. Fountainbridge falls within 'Zone 1' of the late hours catering policy i.e. a busy main road or junction used by large volume of late night pedestrians – high ambient noise levels until closure times. This attracts hours of 11pm to 2am Sundays to Thursdays and 3am Fridays and Saturdays.
- 3.5 The Board would welcome an indication from the Committee whether or not a departure from policy is indicated in the case of either or both applications.

4 Financial Implications

- 4.1 None.

5 Equalities Impact

- 5.1 None.

6 Environmental Impact

- 6.1 The policy is intended to preserve amenity in the city and minimise the impact on the local environment from premises trading during night-time hours.

7 Recommendations

That the Committee consider the issues raised and provide the Board with a recommendation.

Carol Campbell
Acting Head of Legal and Administrative Services

Appendix	Extract from Licensing Board Statement of Policy 2010
Contact/tel/Email	Robert Millar, Principal Solicitor (Licensing) 0131 529 4150 robert.millar@edinburgh.gov.uk
Wards affected	Citywide
Single Outcome Agreement	Supports National Outcome 15 – “Our public services are high quality, continually improving, efficient and responsive to local people’s needs.”



APPENDIX TO FOREGOING REPORT

Extract from City of Edinburgh Licensing Board Statement of Licensing Policy 2010

22 TAKE-AWAYS

- 22.1 Premises which supply hot food and hot drink for consumption off the premises (take-aways) and which are open after 11pm can attract large groups of customers and act as a focus of noise and disturbance. Until the Act came into force, the Board was of the view, notwithstanding the exception in section 42(4)(a) of the Civic Government (Scotland) Act 1982, that premises selling alcohol required an additional late hours catering licence to permit the facility of take-away food and refreshment between the hours of 11pm and 5am. Most premises licensed by the Board which operated a take-away business between the hours of 11pm and 5am held a late hours catering licence from the Council.
- 22.2 The Civic Government (Scotland) Act 1982 as amended provides at section 42(4) that a late hours catering licence shall not be required in respect of – (a) the use as such of licensed premises within the meaning of the Act. The new operating plans allow the Board more control of the operation of licensed premises and it is no longer necessary or appropriate to require premises to have two licences.
- 22.3 On 10th September 2002 the Council adopted a new policy on permitted hours of operation. This followed a review of zoning guidelines which were originally introduced in 1985 to preserve amenity in the city and minimise the impact on the local environment from premises trading during night-time hours. The provisions of this policy affecting take-aways are set out in Appendix 5 to this statement. The Board acknowledges the significance of this policy and will expect applicants to accept that similar hours of operation should apply to take-away operations falling within its area of licensing responsibility. This will both ensure a level playing field within the city and promote the licensing objectives.

LATE HOURS CATERING - COUNCIL POLICY ON HOURS OF OPERATION

Takeaway premises

All premises are categorised by location and in order to prevent crowd migration from clubs to takeaway premises, no Late Hours Catering licences will be granted with a terminal hour beyond 3am.

CATEGORY	TIME OF CLOSURE	LOCATION
1	11pm to 2am (Sundays to Thursdays) 11pm to 3am (Fridays and Saturdays)	Busy main road or junction used by large volume of late night pedestrians. High ambient noise levels until closure times.
2	11pm to 1am (Sundays to Thursdays) 11pm to 2am (Fridays and Saturdays)	Main road or very busy street. Ambient noise levels coincide with closing hours.
3	11pm to 12pm (Sundays to Thursdays) 11pm to 1am (Fridays and Saturdays)	Street with low night ambient noise.
4	11pm to 12 midnight (Fridays and Saturdays only)	Street or area with very low night ambient noise or premises with a history of complaints.

Festival and Festive periods – there will normally be a recommendation to grant an additional one hour to the usual terminal hour.

Amended: 25th October 2002