

Notice of meeting and agenda

Licensing Sub-Committee

2.30 pm Monday, 16th September, 2019

Dean of Guild Court Room - City Chambers

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

The law allows the Council to consider some issues in private. Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

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1. Order of Business

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

2. Declaration of Interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 Minute of Licensing Sub-Committee of 19 August 2019 - submitted for approval as a correct record 7 - 16
- 3.2 Minute of Licensing Sub-Committee of 20 August 2019 - submitted for approval as a correct record 17 - 18

4. Parades and Processions

- 4.1 Proposed Parades and Processions – September and October 2019 - report by the Regulatory Services Manager (circulated) 19 - 32
Note: The above applicants have been invited to attend for 2.30pm.
- 4.2 Proposed Parade - March and Rally for Independence - 5 October 2019 – Report by Regulatory Services Manager 33 - 46

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

- 5.1 Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications – list of applications 47 - 54
- 5.2 Public Entertainment Licence (Temporary) - Royal Highland 55 - 66

5.3	Public Entertainment Licence (Temporary) - Ross Bandstand - Edinburgh Diwali	67 - 80
5.4	Market Operator Licence (Temporary) - Ross Bandstand - Edinburgh Diwali	81 - 92
5.5	Market Operator Licence (Temporary) - Castle Street - Edinburgh Diwali	93 - 98
5.6	Public Entertainment Licence (Temporary) - Festival Square - Edinburgh Cocktail Week Ltd	99 - 104
5.7	Market Operator Licence (Temporary) - Festival Square - Edinburgh Cocktail Week Ltd	105 - 110
5.8	Public Entertainment Licence (Temporary) - West Princes Street Gardens - World Wide Festival UK Ltd	111 - 120
5.9	Street Trader Licence (New) - 20-24 North Bridge, Edinburgh - NTA Productions Ltd	121 - 132
5.10	HMO Licence (Renewal) - 44 (3F2) Montpelier Park, Edinburgh - Elizabeth Fieldman – report by the Regulatory Services Manager	133 - 214

5.11	HMO Licence (Renewal) - 18 Carrick Knowe Drive - James Robert Ewen	215 - 222
5.12	HMO Licence (Renewal) - 2 (2F2) Sciennes Hill Place - Barrie Neilson	223 - 234
5.13	HMO Licence (New) - 96 Findhorn Place - Henry Fung	235 - 252
5.14	HMO Licence (New) - 31 (Flat 2) Grove Street - Track Twelve Ltd	253 - 272
5.15	HMO Licence (New) - 27 (Flat 4) Mortonhall Road - Mohammed Bashir	273 - 304
5.16	HMO Licence (New) - 6 (3F) York Place - Andrew Finnie	305 - 314

6. Resolution to Consider in Private

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

7. Landlord Registrations

7.1	Request for Consideration of Landlord Registration – Report by Regulatory Services Manager	315 - 326
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Andrew Kerr

Chief Executive

Committee Members

Councillor Catherine Fullerton (Convener), Councillor Denis Dixon (Vice-Convener), Councillor Scott Arthur, Councillor Derek Howie, Councillor Max Mitchell, Councillor Susan Rae, Councillor Cameron Rose, Councillor Neil Ross and Councillor Donald Wilson.

Information about the Licensing Sub-Committee

The Licensing Sub-Committee consists of 9 Councillors and usually meets twice a month.

The Licensing Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Lesley Birrell and Sarah Stirling, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4340 / 0131 529 3009, email lesley.birrell@edinburgh.gov.uk / sarah.stirling@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

The views expressed in any letters of representation are not necessarily the views of the City of Edinburgh Council.

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Minutes

Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday 19 August 2019

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Arthur, Doran (substituting for Councillor Wilson, items 1 to 5.5), Mowat (substituting for Councillor Mitchell, items 1 to 5.21), Rae, Neil Ross and Rose.

1. Minutes

Decision

To approve the minute of the Licensing Sub-Committee of 23 July 2019 as a correct record.

2. Parades and Processions: September – October 2019

Details were provided of a number of proposed parades and processions during September and October 2019. The event organisers and the appropriate Council officers were heard.

Decision

1) Edinburgh Riding of the Marches – 15 September 2019

To make an Order in respect of the proposed Edinburgh Riding of the Marches procession on 15 September 2019 imposing conditions that:

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

2) School Strike for Climate Change – 20 September 2019

Motion

To **CONTINUE** consideration of the notification to the additional meeting of the Licensing Sub-Committee on 10 September 2019 to allow officers to liaise further with the organisers around the proposed route for the march.

- moved by Councillor Fullerton, seconded by Councillor rose

Amendment

To make an Order in respect of the proposed School Strike for Climate Change on 20 September 2019 imposing conditions that:

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

- moved by Councillor Arthur, seconded by Councillor Doran

Voting

For the motion - 4 votes

For the amendment - 4 votes

(For the motion – Councillors Dixon, Fullerton, Mowat and Rose.

For the amendment – Councillors Arthur, Doran, Rae and Neil Ross.)

In the division, 4 members having voted for the motion and 4 members for the amendment, the Convener gave her casting vote for the motion and the Sub-Committee resolved as follows:

To **CONTINUE** consideration of the notification to the additional meeting of the Licensing Sub-Committee on 10 September 2019 to allow officers to liaise further with the organisers around the proposed route for the march.

3) School Strike for Climate Change – 27 September 2019

To make an Order in respect of the proposed School Strike for Climate Change procession on 27 September 2019 imposing conditions that:

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

4) March for Independence – 5 October 2019

To make an Order in respect of the proposed March for Independence procession on 5 October 2019 imposing conditions that:

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

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

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

Details were provided of 23 applications for miscellaneous licences. The applicants and their agents were heard.

Decision

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

(Reference – list of applications, submitted)

APPENDIX

Applications for Miscellaneous Licences

Public Entertainment Licence (Temporary)		
5.2	Highland Centre Ltd Mark Currie	To GRANT the licence subject to the Council's standard conditions for this category of licence and additional licensing enforcement conditions, noise conditions and Police Scotland conditions.
5.3	Fly Open Air Event Thomas Ketley Ross Bandstand, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence and additional licensing enforcement conditions, noise conditions and Police Scotland conditions.
Market Operator Licence (Temporary)		
5.4	Fly Open Air Event Thomas Ketley Ross Bandstand, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence.
5.5	Continental Market Ltd Mr Ali Yaich High Riggs, Edinburgh	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.
5.6	Continental Market Ltd Mr Ali Yaich St Patrick's Square, Edinburgh	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.
5.7	Continental Market Ltd Mr Ali Yaich Nicolson Square, Edinburgh	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Street Trader Licence (New)

5.8	Mr Robert Campbell Princes Street Gardens, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence.
5.9	Adrian Asenov Chambers Street, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence and the additional condition that the number of participants on each tour be restricted to 30.
5.10	Benny Yadgarian Castle Wynd North, Edinburgh	To note that the application had been WITHDRAWN by the applicant.

Street Trader Licence (Renewal)

5.11	Benny Yadgarian Rose Street, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location when the location was not available.
5.12	Blair McNeill Stance 13, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the licence fee would be refunded.
5.13	Jane Edgell Stance 1, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the licence fee would be refunded.
5.14	William Green Stance 11, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the licence fee would be refunded.

5.15	Elizabeth Tainsh Stance 12, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the licence fee would be refunded.
5.16	Kuldeep Singh Stance 9, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the license fee would be refunded.
House in Multiple Occupation Licence (New)		
5.17	10 (2F1) Adelphi Grove, Edinburgh Ahmed Mohammed Saleh	To repel the public objections and GRANT the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.
5.18	53 St Johns Road, Edinburgh Duddington Scott Ltd Agent: Neil Mackay	To repel the public objections and GRANT the licence subject to the Council's standard conditions for this category of licence for a period of 6 months. (on a division) See note 2.
5.19	33 Stewart Terrace, South Queensferry James Robert Ewen	To repel the public objections and GRANT the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.
5.20	24 (3F1) Westhall Gardens, Edinburgh WF Property Investments Ltd Agent: Colette Grant, Grant Property Solutions Ltd	To repel the public objections and GRANT the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.

House in Multiple Occupation Licence (Renewal)

5.21	29 (2F) Buckingham Terrace, Edinburgh Rosemary Sutcliff Agent: Dietrich Zank, The Flat Company Ltd	To repel the public objections and RENEW the licence subject to the Council's standard conditions for this category of licence for a period of 1 year. (on a division) See note 3.
5.22	162 Craiglea Drive, Edinburgh Carr Gomm Agent: Keith Milligan, Carr Gomm	To repel the public objections and RENEW the licence subject to the Council's standard conditions for this category of licence for a period of 3 years.
5.23	44 (3F2) Montpelier Park, Edinburgh Elizabeth Fieldman	To CONTINUE the application to the meeting of the Licensing Sub-Committee of 16 September 2019 to allow officers to inspect and report back on the property. The report to include clarification on the building completion certificate, floor coverings and ownership of the roof.

Note 1

Item 5.5 – Continental Market Ltd – Mr Ali Yaich High Riggs, Edinburgh

Motion

To **GRANT** the licence subject to the Council's standard conditions for Sundays only for this category of licence for a period of 6 months.

- moved by Councillor Fullerton, seconded by Councillor Rose

Amendment

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

- moved by Councillor Doran, seconded by Councillor Rae

Voting

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

(For the motion – Councillors Fullerton and Rose.

For the amendment – Councillors Arthur, Dixon, Doran, Mowat, Rae and Neil Ross.)

Decision

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

Note 2

Item 5.18 – House in Multiple Occupation Licence (New) – 53 St Johns Road, Edinburgh

Motion

To repel the public objections and **GRANT** the licence subject to the Council's standard conditions for this category of licence.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment

To repel the public objections and **GRANT** the licence subject to the Council's standard conditions for this category of licence for a period of 6 months.

- moved by Councillor Rose, seconded by Councillor Mowat

Voting

For the motion - 3 votes
For the amendment - 4 votes

(For the motion – Councillors Dixon, Fullerton and Rae.
For the amendment – Councillors Arthur, Mowat, Rose and Neil Ross.)

Decision

To repel the public objections and **GRANT** the licence subject to the Council's standard conditions for this category of licence for a period of 6 months.

Note 3

Item 5.21 – House in Multiple Occupation Licence (Renewal) – 29 (2F) Buckingham Terrace, Edinburgh

Motion

To repel the public objections and **RENEW** the licence subject to the Council's standard conditions for this category of licence for a period of 3 years.

- moved by Councillor Fullerton, seconded by Councillor Rae

Amendment

To repel the public objections and **RENEW** the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.

- moved by Councillor Rose, seconded by Councillor Arthur

Voting

For the motion - 3 votes
For the amendment - 4 votes

(For the motion – Councillors Dixon, Fullerton and Rae.
For the amendment – Councillors Arthur, Mowat, Rose and Neil Ross.)

Decision

To repel the public objections and **RENEW** the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.

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Minutes

Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday 20 August 2019

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Griffiths (substituting for Councillor Arthur), Rose, Neil Ross and Wilson.

1. Resolution to Consider in Private

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

2. Police Requests for Suspension or Revocation of Licences

The Sub-Committee considered nine requests by Police Scotland to suspend or revoke Taxi Driver and Private Hire Car Driver Licences.

Decision

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

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

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

The Sub-Committee considered a request to recall the suspension of a Private Hire Car Driver's Licence.

Decision

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

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

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

Details were provided of 19 applications for miscellaneous licences. The applicants and their agents were heard.

Decision

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

(Reference – list of applications, submitted)

Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday, 16 September 2019

Proposed Parades and Processions: September/October 2019

Item number

Report number

Executive/routine

Wards

City Centre (Ward 11)

Council Commitments

Executive Summary

The City of Edinburgh Council has been notified of two parades which are proposed to take place in September and October 2019.

The Council has limited powers in respect of parades. It can take no action and the parades would proceed as the organisers intend. Alternatively, it has the power to attach conditions or, under limited circumstances, to ban the parades. The Committee needs to decide whether to exercise any of these options.

In January 2018, the Regulatory Committee decided to continue the practice that all parades involving the High Street must be submitted for Committee consideration.

Proposed Parades and Processions: September/October 2019

1. Recommendations

- 1.1 It is recommended that the Committee makes an order in respect of the proposed parades, imposing conditions attached at Appendix 2.

2. Background

- 2.1 Under the Civic Government (Scotland) Act 1982, anyone organising a parade or procession in Scotland must notify the appropriate local authority and the police at least 28 days prior to the date of the event.
- 2.2 The City of Edinburgh Council has been notified of intent to hold the following events in the city (further details in Appendix 1). It is proposed that both parades will use the High Street.

	Event name	Event date
1(a)	Edinburgh March and Rally for Peace in Europe <i>Proposed route includes use of High Street</i>	21 Sept 2019
1(b)	Edinburgh Diwali	26 Oct 2019

- 2.3 The Council has limited powers available regarding the control of such parades. These powers should only normally be exercised to prevent public disorder, risk to public safety, damage to property or excessive disruption to the life of the community.

3. Main report

- 3.1 Notification forms and other documents and information relevant to each proposed parade are attached as Appendices 1a-1b.
- 3.2 The recommended conditions (Appendix 2) are sufficient to mitigate and manage any possible disruption to the community. Where an Event Planning and Operations Group (EPOG) has taken place this is noted at Appendix 1.
- 3.3 Representatives of each organisation will be invited to address the Committee regarding the proposed parades.

4. Measures of success

- 4.1 That the Council discharges its statutory duties in respect of these notifications.
- 4.2 That any parade is facilitated wherever possible and is managed in a way that minimises potential disruption to the life of the community.

5. Financial impact

- 5.1 None arising directly from this report.
- 5.2 Council resources may need to be deployed on the day, in particular with respect to any road closures.

6. Risk, policy, compliance and governance impact

- 6.1 Should the Committee decide to restrict or prohibit any procession, the persons proposing to hold the procession may appeal against that decision to the Sheriff Court within 14 days of written reasons being received by them.

7. Equalities impact

- 7.1 In coming to a decision, the Committee will have to consider the rights of the procession organisers to stage their procession, and the Council's duty to foster good relations and ensure the protection of public order and safety. These must be discharged against the relevant statutory duties.

8. Sustainability impact

- 8.1 None.

9. Consultation and engagement

- 9.1 Statutory consultation has taken place regarding the parades.

10. Background reading/external references

- 10.1 Scottish Government guidance - [Review of parades and marches in Scotland \(2006\)](#)

Andrew Mitchell

Regulatory Services Manager

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11. Appendices

- 11.1 Appendix 1: Application forms:
- a. Edinburgh March and Rally for Peace in Europe (21 Sept)
 - b. Edinburgh Diwali (26 Oct)
- 11.2 Appendix 2: Proposed conditions

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Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday, 16 September 2019

Proposed Parade: March and Rally for Independence

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

Executive Summary

The City of Edinburgh Council has been notified of a parade to take place on 5 October 2019 entitled March and Rally for Independence. The proposed route for this parade encompasses the High Street and Princes Street.

The Council has limited powers in respect of parades. It can take no action and the parades would proceed as the organisers intend. Alternatively, it has the power to attach conditions or, under limited circumstances, to ban the parades. The Committee needs to decide whether to exercise any of these options.

In January 2018 the Regulatory Committee decided to continue the practice that all parades involving the High Street must be submitted for Committee consideration.

This parade has also been referred to the committee as a route has not been agreed with the applicant. The applicant was offered the opportunity to meet with officers to conduct an Event Planning and Operations Group (EPOG), however the applicant has not engaged in this process.

Proposed Parade: March and Rally for Independence

1. Recommendations

- 1.1 It is recommended that the Committee either:
 - 1.1.1 makes an order prohibiting the proposed procession; or
 - 1.1.2 makes an order to requiring the procession to take an alternative route under Section 63 (1) of the Civic Government (Scotland) Act 1982 due to the significant disruption that the intended route would cause and imposing conditions attached at Appendix 2.

2. Background

- 2.1 Under the Civic Government (Scotland) Act 1982, anyone organising a parade or procession in Scotland must notify the appropriate local authority and the police at least 28 days prior to the date of the event.
- 2.2 The City of Edinburgh Council has been notified by AUOB Scotland Ltd (All Under One Banner) of intent to hold a March and Rally for Independence (further details in Appendix 1(a)). The route proposed by the organiser intends to use the High Street and Princes Street.
- 2.3 The proposed route has caused concern with regard to the disruption that the closure of Princes Street would create.
- 2.4 At its meeting on [19 August 2019](#) the Licensing Sub-Committee considered an application submitted on 13 July 2019 and agreed to make an order in respect of a parade notification submitted by All Under One Banner for a March for Independence on the same date (5 October 2019) and similar route to this proposed notification, albeit in the opposite direction.
- 2.5 This application included in appendix 1(a) was submitted on 13 August 2019 and is made by an organisation with a similar name to an organisation who intend holding the March for Independence approved on 19 August 2019. The planned events will take place at the same time and location, although the route proposed in this application is the opposite direction to the route approved on 19 August 2019.
- 2.6 It is not possible to facilitate two parades at the same time and location without significant risk to public safety and excessive disruption to the life of the community and traffic infrastructure.
- 2.7 The Council has limited powers available regarding the control of such parades. These powers should only normally be exercised to prevent public disorder, risk to

public safety, damage to property or excessive disruption to the life of the community.

- 2.8 Given the nature of the proposed event which coincides with a similar event which has already been considered by the Licensing Sub-Committee the organiser was invited to participate in the EPOG, however they have not engaged with officers.

3. Main report

- 3.1 Notification forms and other documents and information relevant to the proposed parade are attached as appendices.
- 3.2 The recommended conditions (Appendix 2) are, in most cases, sufficient to mitigate and manage any possible disruption to the community. However, on this occasion the proposed route may cause undue disruption to the city.
- 3.3 Representatives of the organisation will be invited to address the Committee regarding the proposed parades.
- 3.4 An impact assessment has now been completed in relation to the organisers' proposed use of Princes Street. The following concerns and risks are brought to the attention of committee members for consideration.
- 3.4.1 The current terms of the proposed parade intend to make use of Princes Street for the procession. It is noted that the organiser suggests that approximately 150,000 participants may attend with only 250 volunteers deployed. This represents a ratio of just 1 steward to every 600 participants.
- 3.4.2 Appropriate consideration of this notification would ordinarily require an EPOG meeting to allow officers the opportunity to engage with the organiser for further assessment of the proposal to cooperatively mitigate issues or concerns. However, on this occasion the organiser has not engaged in this process and significant concerns have not been addressed with regard to the large number of participants, the impact of the suggested route and the potential for conflict between the proposed events coinciding on the same day.
- 3.4.3 The Edinburgh Tram network will suffer significant disruption to its operation, as an entire network power shutdown from Shandwick Place will be required in order to facilitate a sufficient margin of safety for participants to travel through Princes Street. Whilst every attempt will be made to resume full Tram services as soon as possible after it is safe to restore power to Princes Street after the procession has cleared, as a result of the power shutdown it is anticipated that disruption to services will last for a minimum of four hours. The costs associated with managing the impact of the Tram disruption, including loss of revenue, is expected to be in the region of £15,000. Edinburgh Trams will seek to recover any incurred costs from City of Edinburgh Council in full, as the proposed closure of Princes Street and

subsequent disruption to services exceeds the agreed closures currently provided for within the Operating Agreement.

- 3.4.4 It is noted that a number of bus services which travel directly or indirectly into the city centre will also suffer significant disruption, as the proposed use of Princes Street will sever all main East to West and North to South arterial routes. This disruption will affect almost the entire bus provision and services in the city, including disruption to services operated by Lothian Buses (approximately 60 services), East Coast (approximately five services), Lothian County (approximately five services), First, Stagecoach, Citylink and Borders Buses. As a result it is likely that any person attempting to travel into the city will experience significant disruption both during and for a lengthy period before and after the procession, as preparations are made for implementing road closures and removal of these closures and subsequent dispersal of pedestrians and congested traffic. Whilst attempts will be made to facilitate alternative route arrangements for bus services, there are few suitable locations within the city for buses to turn, and surrounding streets in the vicinity of the closures will be heavily congested with overflow and general traffic.
- 3.4.5 A number of bus services which travel directly or indirectly into the city centre will also suffer significant disruption. The proposed use of Princes Street will sever all main East to West and North to South arterial routes. Closure will have an impact on their ability to respond to emergency situations. This disruption will affect almost all of the bus services in the city, including disruption to services operated by Lothian Buses (approximately 60 services), East Coast (approximately five services), Lothian Country (approximately five services), First, Stagecoach, Citylink and Borders Buses. As a result, it is likely that any person attempting to travel into the city will experience significant disruption both during and for a lengthy period before and after the procession, as preparations are made for implementing and removal of the road closures as well as the subsequent dispersal of pedestrians and congested traffic. Whilst attempts will be made to facilitate alternative route arrangements for bus services, there are few suitable locations within the city for buses to turn, and surrounding streets in the vicinity of the closures will be heavily congested with overflow and general traffic.
- 3.4.6 The closure of Princes Street will also have a large impact on how people can travel to and from Waverley Station and would lead to subsequent disruption to rail services. The disruption is also likely to affect passengers travelling to and from Edinburgh Airport (as Skylink services and other methods of travel between the city's main travel hubs (Waverley Station and Edinburgh Airport)) would be affected. In addition to travellers, members of staff who work in these locations will also be impacted and this may result in collapse of services for several business operators. This will include bus and train staff who may not be able to access their normal work place, leading to

a shortage of drivers with the impact that services will be disrupted. It is likely that this disruption will continue for several hours after the procession has ended

3.4.7 The nature and significance of the disruption is predicted to extend not only beyond the reach of the city centre but the city's outer boundary.

3.4.8 There is also a likelihood of an increase in private car use by those who will be unable to make use of the public transport network. This effect will be particularly felt by commuters, who are likely to use a car to travel to work in the morning in preparation for their normal bus journey home being disrupted. Many people will be unable to make travel connections or reach desired destinations. Furthermore, risks to those with mobility difficulties will see a significant increase as they will be particularly affected.

4. Measures of success

4.1 That the Council discharges its statutory duties in respect of this notification.

4.2 That the parade is facilitated wherever possible and is managed in a way that minimises potential disruption to the life of the community.

5. Financial impact

5.1 None arising directly from this report.

5.2 Council resources may need to be deployed on the day, in particular with respect to any road closures.

6. Risk, policy, compliance and governance impact

6.1 Should the Committee decide to restrict or prohibit the procession, the persons proposing to hold the procession may appeal against that decision to the Sheriff Court within 14 days of written reasons being received by them.

7. Equalities impact

7.1 In coming to a decision, the Committee will have to consider the rights of the procession organisers to stage their procession, and the Council's duty to foster good relations and ensure the protection of public order and safety. These must be discharged against the relevant statutory duties.

8. Sustainability impact

8.1 None.

9. Consultation and engagement

9.1 Statutory consultation has taken place regarding the parades.

10. Background reading/external references

10.1 Scottish Government guidance - [Review of parades and marches in Scotland \(2006\)](#)

Andrew Mitchell

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

11. Appendices

11.1 Appendix 1(a): Application form

11.2 Appendix 1(b): Email from organiser

11.3 Appendix 2: Standard Conditions

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Licensing Sub-Committee of the Regulatory Committee

16 September 2019

Applications for Miscellaneous Licences

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
The following applicants have been invited for 2.30pm							
Public Entertainment Licence (Temporary)							
5.2	Highland Centre Ltd Mark Currie	Royal Highland Centre, Ingliston Road, Edinburgh	Standard Conditions Hours Requested 12:00 to 23:00	N/A	Noise conditions Roads conditions Licensing Enforcement conditions		Event date 26.10.19
Public Entertainment Licence (Temporary) and Market Operators Licences (Temporary)							
5.3	Edinburgh Diwali Mohindra Dhall	Ross Bandstand, Princes Street Gardens Edinburgh	Standard Conditions Hours Requested 13:00 to	N/A			Event date 26.10.19

Page 47

Agenda Item 5.1

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
5.4	Edinburgh Diwali Anil Chugh	Ross Bandstand, Princes Street Gardens Edinburgh	Standard Conditions Hours Requested 14:00 to 20:00	N/A			Event date 23.10.19 to 26.10.19
5.5	Edinburgh Diwali Anil Chugh	Castle Street, Edinburgh	Standard Conditions Hours Requested 12:00 to 22:00	N/A			Event date 23.10.19 to 26.10.19
Public Entertainment Licence (Temporary) and Market Operators Licences (Temporary)							
5.6	Edinburgh Cocktail Week Ltd Gary Anderson	Festival Square, Edinburgh	Standard Conditions Hours Requested 14, 15 & 16 October 12:00 to 23:00	N/A	Noise conditions Roads conditions		Event date 14.10.19 to 20.10.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
			17, 18 & 19 October 12:00 to 00:00 20 October 12:00 to 20:00				
5.7	Edinburgh Cocktail Week Ltd Gary Anderson	Festival Square, Edinburgh	Standard Conditions Hours Requested 14, 15 & 16 October 12:00 to 23:00 17, 18 & 19 October 12:00 to 00:00 20 October 12:00 to 20:00	N/A	Noise conditions Roads conditions		Event date 14.10.19 to 20.10.19

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Market Operator Licence (Temporary)							
5.8	World Wide Festival UK Ltd Carsten Raun	West Princes Street Gardens, Edinburgh	Standard Conditions Hours Requested 30, 31 Oct & 1 Nov 16:00 to 23:00 2 Nov 12:30 to 23:30 3 Nov 12:30 to 19:30	N/A	Noise conditions Roads conditions		Event date 30.10.19 to 03.11.19
Street Trader Licence (New)							
5.9	NTA Productions Natalie Allison	20-24 North Bridge, Edinburgh	Standard Conditions	N/A	Outwith Council policy Roads conditions		18.01.20

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
House in Multiple Occupation Licence (Renewal)							
5.10	Elizabeth Fieldman	44 (3F2) Montpelier Park, Edinburgh	6 occupants	Satisfactory	5 public objections Continued from 19 August 2019 to allow officers to inspect and report back on the property. The report to include clarification on the building completion certificate, floor coverings and ownership of the roof. Report by Regulatory Services Manager (attached)	Mark Nailon Lucy Murdoch Nic Newton Michael Davidson Robin John Dunlop	24.09.19
5.11	James Robert Ewen Agent: Steven Murray, Rentlocally	18 Carrick Knowe Drive, Edinburgh	4 occupants	Satisfactory	1 public objection	John Robertson	26.06.20
5.12	Barrie Neilson Agent: Gemma Gilmour, University of Edinburgh	2 (2F2) Sciennes Hill Place, Edinburgh	3 occupants	Satisfactory	2 public objections	Kelly Stewart Helen Colquhoun	21.05.20

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
House in Multiple Occupation Licence (New)							
5.13	Henry Fung Agent: Brian Morgan, HMO Scotland Ltd	96 Findhorn Place, Edinburgh	5 occupants	Satisfactory	7 public objections	Penelope & John Ireland Kirstine & Burry Baxter D B Fisher Mike Brown & Christina Naismith Peter Watts Jeremy W Hughes Mrs C A Taylor & Mr D A Taylor	16.01.20
5.14	Track Twelve Ltd Agent: Stephen Coyle, Cullen Property Ltd	31 (Flat 2) Grove Street, Edinburgh	5 occupants	Satisfactory	5 public objections	Peter Johnson Patricia Player Alan Hunter Liz Haggard Karen Hamilton	15.07.20
5.15	Mohammed Ather Bashir	27 (Flat 4) Mortonhall Road, Edinburgh	4 occupants	Satisfactory	18 public objections	Lucia Barrett & Ian Crorie Brian Bould Mr Dun Lynn Gee Kay Halfpenny June Rapson	21.05.20

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
5.16	Andrew Dalziel Finnie Agent: Brian Morgan, HMO Scotland Ltd	6 (3F) York Place, Edinburgh	4 occupants	Satisfactory	4 public objections	Constance Kelly Maren McElroy Edythe Murie Susan Orr Lyndsay Ovestone Arun Pillai Francis Rapson Joan Rapson Ron Wilson Torcail Stewart Evgenia Teplechuck Kathryn Will & Samuel Cochrane	
						Deirdre Henderson John McGowan Peter Piaskowski Suzhen Liu Wang	02.04.20

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LICENSING REF NO: 416755

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

APPLICANT DETAILS:	NAME	Highland Centre Limited
MANAGER		Mr Mark Currie
PREMISES ADDRESS		Royal Highland Centre, Ingliston Road, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions + Licensing Enforcement, Noise and Roads conditions.
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		For Committee's information.
EVENT DATE		26 October 2019
NOTES: Electronic Dance Music event taking place at the Royal Highland Centre. The capacity for this event is 18,000 and the proposed operating hours are 12:00 – 23:00.		

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LICENSING REF NO: 417605

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

<p>APPLICANT DETAILS: MANAGER</p>	<p>NAME</p>	<p>Edinburgh Diwali</p>
<p>PREMISES ADDRESS</p>		<p>Ross Bandstand, Princes Street Gardens, Edinburgh</p>
<p>CONDITIONS RECOMMENDED</p>		<p>Standard Conditions + "All amplified music and vocals to be to be controlled to the satisfaction of the Director of Place".</p>
<p>REPRESENTATIONS RECEIVED</p>		<p>N/A</p>
<p>REASON FOR BEING CALLED TO COMMITTEE</p>		<p>In connection with two Market Operator applications for the event.</p>
<p>EVENT DATE</p>		<p>26 October 2019</p>
<p>NOTES: Public Entertainment application for Ross Bandstand within Princes Street Gardens. Accompanied by a Market Operators application for Ross Bandstand and another Market Operator application for Castle Street. The proposed operating hours are 13:00 to 19:30.</p>		

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LICENSING REF NO: 417607

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	Edinburgh Diwali Anil Chugh
PREMISES ADDRESS		Ross Bandstand, 104-106 Princes Street, Edinburgh, EH2 3AA
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		Out with Council policy.
EVENT DATE		26 October 2019
<p>NOTES: Market Operator application for 4 stalls within Princes Street Gardens. Proposed operating hours of 14:00 – 20:00. Accompanies a Public Entertainment application for Ross Bandstand and a further Market Operators application for Castle Street.</p>		

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LICENSING REF NO: 417606

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS:	NAME	Edinburgh Diwali
MANAGER		Anil Chugh
PREMISES ADDRESS		Castle Street, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		Out with Council policy
EVENT DATE		23 October 2019 – 26 October 2019
NOTES: Market Operators application for 6 stalls on Castle Street. Proposed operating hours of 12:00 – 22:00. Accompanies a Public Entertainment and Market Operators application for Ross Bandstand/Princes Street Gardens.		

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LICENSING REF NO: 416146

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

APPLICANT DETAILS:	NAME	Edinburgh Cocktail Week Ltd
MANAGER		Mr Gary Anderson
PREMISES ADDRESS		Festival Square, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions + Noise and Roads conditions.
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		Information for the Committee and linked to a Market Operator.
EVENT DATE		14 October 2019 – 20 October 2019
<p>NOTES: Public Entertainment for Edinburgh Cocktail Week based in Festival Square. The proposed opening hours for the event are: 14, 15, 16 – 12:00 to 23:00 17, 18, 19 – 12:00 to 00:00 20 – 12:00 – 20:00</p>		

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LICENSING REF NO: 416145

ITEM NO

MARKET OPERATORS LICENCE

Temporary

<p>APPLICANT DETAILS: MANAGER</p>	<p>NAME</p>	<p>Edinburgh Cocktail Week Ltd Mr Gary Anderson</p>
<p>PREMISES ADDRESS</p>		<p>Festival Square, Edinburgh</p>
<p>CONDITIONS RECOMMENDED</p>		<p>Standard Conditions + Noise and Roads conditions.</p>
<p>REPRESENTATIONS RECEIVED</p>		<p>N/A</p>
<p>REASON FOR BEING CALLED TO COMMITTEE</p>		<p>Out with Council policy.</p>
<p>EVENT DATE</p>		<p>14 October 2019 – 20 October 2019</p>
<p>NOTES: Market Operator application for 26 stall in Festival Square. The application is to cover food and drink stalls at the Edinburgh Cocktail Week Village. The proposed operating hours are: 14, 15, 16 – 12:00 to 23:00. 17, 18, 19 – 12:00 to 00:00. 20 – 12:00 – 20:00.</p>		

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LICENSING REF NO: 416893

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

APPLICANT DETAILS: MANAGER	NAME	World Wide Festival UK Ltd Mr Carsten Raun
PREMISES ADDRESS		West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions + Noise and Road Conditions.
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		For Committee's information.
EVENT DATE		30 October 2019 to 3 November 2019

NOTES: Public Entertainment application for the Oktoberfest event taking place within East Princes Street Gardens. The capacity for this event is 1500 and the proposed operating hours are:
30, 31, 1 – 16:00 to 23:00
2 – 12:30 to 23:30
3 – 12:30 to 19:30.

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LICENSING REF NO: 409897

ITEM NO

STREET TRADER LICENCE

New

APPLICANT DETAILS:	NAME	NTA Productions Ltd
MANAGER		Ms Natalie Allison
PREMISES ADDRESS		20-24 North Bridge, Edinburgh, EH1 1TR
CONDITIONS RECOMMENDED		Standard Conditions + Roads Conditions.
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		Out with Council policy.
DETERMINATION DATE		18 January 2020
NOTES: Walking Tour Street Trader application for outside the Scotsman Hotel.		

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Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday, 16 September 2019

Report on House in Multiple Occupation Licence - Application for 3f2, 44 Montpelier Park

Item number

Report number

Executive/routine

Wards

Executive Summary

The House in Multiple Occupation (HMO) Licence application for 3f2, 44 Montpelier Park was referred to Committee due to public representations. The application was heard by Committee on 19 August 2019 and the matter was continued to the meeting of 16 September 2019 to allow the Executive Director of Place to carry out further investigations as directed by the committee. This report details the findings following the Executive Director of Place's investigations.

Report on the House in Multiple Occupation Licence - Application for 3f2, 44 Montpelier Park

1. Recommendations

- 1.1 That Committee has regard to this report in determining the HMO licence application for 3f2, 44 Montpelier Park and either grant the licence with any additional conditions they see fit to impose or refuse the licence.
- 1.2 If the Committee is minded to grant the application, it is recommended that the committee add a condition stating that:
 - 1.2.1 maintenance be carried out on the timber staircase to the upper level to reduce excessive creaking and movement noise when using the staircase;
 - 1.2.2 carpet and good quality underlay should be fitted in the lower hallway and the connecting staircase to the upper level;
 - 1.2.3 and cushioned vinyl be fitted in the kitchen and bathroom to address concerns that the property is not suitable as an HMO; and
 - 1.2.4 this should be completed within a three month time period.
- 1.3 If the Committee is minded to refuse the application due to having found the applicant to be not fit and proper to be a landlord (under section 130 of the Housing (Scotland) Act 2006) consideration should be given to:
 - 1.3.1 calling for a report on revoking the existing HMO Licences for the properties listed in appendix 1 for which the applicant holds an existing HMO licence for; and
 - 1.3.2 that report should also include consideration of removing the applicant from the Council's register of landlords under entry 02830/230/12110, as detailed in Appendix 2.

2. Background

- 2.1 The applicant applied for an HMO Licence on 25 September 2018 for 3f2, 44 Montpelier Park. The application attracted public representations objecting to the grant of the HMO Licence as well as an adverse report from the Council's inspection team and was referred to Committee to be determined. The Committee heard the case on 19 August 2019 and asked the Executive Director of Place for a report to include "clarification on the building completion certificate, floor coverings and ownership of the roof".
- 2.2 In determining an HMO Licence application it must be satisfied that the applicant, and any agent, are fit and proper to hold the licence and the property is suitable for

occupation as an HMO or can be made suitable by including conditions in the HMO licence.

- 2.3 The matters to which the local authority must have regard in considering whether a landlord is a fit and proper person are laid out in the Antisocial Behaviour etc. (Scotland) Act 2004.
- 2.4 The 2004 Act provides that the Licensing Sub Committee must have regard to certain material including whether the landlord has contravened any provision of the law relating to housing, or landlord and tenant law.
- 2.5 The actions of the landlord in relation to any antisocial behaviour affecting a house which they let or manage must also be considered.
- 2.6 Additionally, consideration must be given to any material that shows that the applicant has committed any offence involving: fraud or other dishonesty, violence, drugs, discrimination, firearms (within the meaning of section 57(1) of the Firearms Act 1968); or that the applicant has committed a sexual offence (within the meaning of section 210A (10) of the Criminal Procedure (Scotland) Act 1995.
- 2.7 The Committee can also consider any additional material if it appears that the material is relevant to the question of whether the applicant, or agent, is a fit and proper person.

3. Main report

- 3.1 The Licensing Sub Committee heard representations from the applicant, objectors, and officers on 19 August 2019 and after consideration requested a further report on the property including clarification on the “building completion certificate, floor coverings and ownership of the roof”. This report details the findings of these investigations.

Building Warrants and Completion Certificates

- 3.2 There were two building warrant related issues at 3F2, 44 Montpelier Park raised at Committee relating to:
 - 3.2.1 07/05567/AOW1: Installing a misting system; and
 - 3.2.2 07/05567/ALTCON: Alter and convert attic space.
- 3.3 The building warrant for the misting system, applied for under building warrant 07/05567/AOW1, had been refused. It has since been established that the misting system warrant was later incorporated into the building warrant 07/05567/ALTCON for which there is a completion certificate.
- 3.4 The building warrant under reference 07/05567/ALTCON for the alteration and the conversion of the attic space has been completed and a building warrant completion certificate has been issued. However, concerns have been raised by the objectors that the conversion extends beyond the footprint of flat 3F2 to cover some space over flat 3F1.
- 3.5 Officers from the Licensing and Public Safety teams attended the property on Thursday 29 August 2019 and gained access to both the property at 3F2 and the attic space via a maintenance hatch in the **Page 135** stair. Measurements were taken on

both the lower and upper floors and the position of the extent of the conversion assessed in relation to the existing wall head in the attic space.

- 3.6 Having accessed the attic space to the front of the property it appeared that the framed separating wall construction marginally encroaches beyond the line of the existing wall head below. Following discussion with the applicants they explained that their framed wall line does encroach marginally (some 100mm to the front and between 200 and 300mm at the rear). Officers were given to understand that this had been agreed with the previous owner of the neighbouring property and that this framed separating wall had been previously moved in order to minimise the encroachment into the neighbouring attic.
- 3.7 It was noted at the inspection that, while encroachment of this type could allow a route for flanking transmission of sound, this would not necessary be the only or even the most significant factor.
- 3.8 There are a number of constructional contributing factors relating to the wall that could be improved to increase the acoustic separation properties of this wall. Please note that further investigation, by a suitable qualified engineer, would be necessary to give specific guidance:
- 3.8.1 the timber flooring from the bedroom floor passes through the wall construction, projecting into the roof-space beyond;
 - 3.8.2 there are large gaps beneath the separating wall construction;
 - 3.8.3 there are gaps where the plasterboard has been cut around the existing roof timbers and wall;
 - 3.8.4 there are roof timbers projecting through the framed wall construction; and
 - 3.8.5 it should be clarified whether there is isolation of the new floor construction from the existing, neighbouring, ceiling construction.
- 3.9 All of these issues could reduce the acoustic insulation properties of this framed wall construction. There should not be obvious gaps and routes through which sound can bypass the separating wall construction.

Floor Coverings and the Impact Noise Standard

- 3.10 In 2012 the Council adopted the Scottish Government's statutory guidance that HMOs should have adequate measures to prevent and mitigate the transfer of impact (footfall) noise, including a requirement that carpet and good quality underlay (or cushioned vinyl where carpet is not suitable) should be fitted in properties above other residential accommodation, as part of the HMO standards.
- 3.11 The guidance was based on "The Development and Production of a Guide for Noise Control from Laminated and Wooden Flooring" commissioned by the then Scottish Executive, and others, that found that "It can be seen that even with an underlay installed under the laminate or wood flooring that there is still significant shortfall in performance when compared to carpets or carpets and underlay".
- 3.12 In 2013 and again in 2014 the Council amended its position to allow a landlord to have this provision set aside, provided there is no history of noise complaints and they can obtain a signed declaration from the occupiers of the property below stating that they satisfied with the current measures in place to reduce noise.

- 3.13 On 19 October 2018 the applicant received a copy of the public representations made to the committee, which included complaints about noise arising from the property.
- 3.14 On 8 November 2018 an officer from the PRS team contacted the applicant following a complaint from the current occupier of the flat below, stating they didn't give consent for a carpet exemption for this property and they have issues with noise transfer from the property. The occupier stated that they had made several complaints directly to the applicant without resolution and wished carpet to be fitted in the property. The officer informed the applicant that they would need to have carpet installed and this would be assessed at the scheduled inspection in December 2018. The officer's case notes state "I was very clear to Mrs Fieldman (and she seemed ok with fitting carpets, and indeed advised that they would probably be done prior to the HMO inspection)".
- 3.15 At the inspection on 20 December 2018 carpets were not fitted and this was detailed in the inspection report issued to the applicant (Appendix 4). A reinspection was arranged for 14 February 2019 and the carpets and underlay had still not been installed. Due to lack of progress the application was recommended for refusal on 20 May 2019.
- 3.16 Correspondence was entered into as the applicant contested that the requirement for carpets and underlay to be fitted had not been made clear. Notwithstanding the Council position that the requirement had been communicated to the applicant it was agreed to extend the date for the fitting of carpets to 19 July 2019. Further correspondence explained that they could make representations to Committee for an extension or to set aside the requirements for carpet and underlay to be fitted.
- 3.17 Officers from the Licensing and Public Safety services attended the property on Thursday 29 August 2019 to inspect the existing floor coverings.
- 3.18 The lower floor consists of 2 bedrooms, living room, kitchen with dining area, bathroom, and stair access to the upper floor all of which is accessed from a common hall. Previously both bedrooms and the living room have been fitted with carpet and underlay since the inspections. The kitchen, with a dining alcove containing a table and six chairs, is tiled along with the bathroom.
- 3.19 The common hall has a hard wood system installed over the original flooring and the staircase is unfinished. There are two large rugs in the hallway.
- 3.20 In line with the Council's existing policy it is recommended that the committee should attach a condition to the licence such that hall and the stair to the upper level is fitted with good quality carpet and underlay, and the kitchen and bathroom are fitted with cushioned vinyl.
- 3.21 Prior to fitting of carpet and underlay, maintenance should be carried out on the timber staircase to the upper level to reduce the excessive creaking and movement noise that arises when the stair is used.

Ownership of Roof and Attic Spaces in Scottish Tenements

- 3.22 The ownership of an attic space and roofs in a tenement can be complex. Ideally the ownership of the common parts of the tenement can be determined by consulting the title deeds of all the flats in the block. However title deeds of the late 19th century can often be silent on ownership of the attic space and/or the roof. If this is the case, the

position in common law is that the top floor owners will own the attic space and the roof above their respective properties.

- 3.23 It is common for the title deeds, or a Tenement Management Scheme under the Tenements (Scotland) Act 2004, to specify that the maintenance of the roof is a common burden placed on all owners even when the roof is owned by a single person.
- 3.24 The information available on the Land Register for Scotland (Appendix 4) shows that the maintenance of the roof is shared at 44 Montpelier Park between all owners but is silent on the ownership of the roof space or the roof. The owners of the properties at 44 Montpelier Park may have additional documentation, not available to the Council, that may more fully detail ownership rights.

4 Measures of success

- 4.1 Not relevant, as decisions on individual registrations have to be considered on their own merits.

5 Financial impact

- 5.1 The Council's costs are contained within the fees charged for licences.

6 Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

7 Equalities impact

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

8 Sustainability impact

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

9 Consultation and engagement

- 9.1 None.

10 Background reading/external references

- 10.1 [Licencing of HMOs](#) [Licensing multiple occupied housing: statutory guidance for Scottish local authorities](#)

- 10.2 [Regulatory Committee Report – 3 May 2013 - Proactive Impact Noise Standard in Houses in Multiple Occupation Properties \(page 58\)](#)
- 10.3 [Regulatory Committee Report – 4 April 2014 – Proactive Impact Noise Standard \(page 64\)](#)
- 10.4 [The Development and Production of a Guide for Noise Control from Laminated and Wooden Flooring](#)

Andrew Mitchell

Regulatory Services Manager

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Contact: Catherine Scanlin, Licensing Manager

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11 Appendices

- 11.1 Appendix 1 – List of HMO licences held by Elizabeth Fieldman
- 11.2 Appendix 2 – Landlord Registration entry for Elizabeth Fieldman, ref 02830/230/12110
- 11.3 Appendix 3 – Inspection report issued to applicant on site 20 December 2018.
- 11.4 Appendix 4 – Title Information and Plan for 3f2, 44 Montpelier Park

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Agenda Item 5.11

LICENSING REF NO: 415344

ITEM NO

**HMO
RENEWAL**

APPLICANT DETAILS:	NAME	Mr James Robert Ewen
	AGENT	Mr Steven Murray, Rentlocally
	LODGING AGENT	Mr Steven Murray, Rentlocally
PREMISES ADDRESS		18 Carrick Knowe Drive, Edinburgh, EH12 7EB
CONDITIONS APPLIED FOR		Maximum Occupants - 4
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		SATISFACTORY
REPRESENTATIONS RECEIVED		John Robertson
DETERMINATION DATE		26 June 2020
RENEWAL DATE		30 June 2022
NOTES:		

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Agenda Item 5.12

LICENSING REF NO: 412780

ITEM NO

HMO
RENEWAL

APPLICANT DETAILS:	NAME	Mr Barrie Neilson
	AGENT	Ms Gemma Gilmour, University of Edinburgh
	LODGING AGENT	Ms Gemma Gilmour, University of Edinburgh
PREMISES ADDRESS		2f2, 2 Sciennes Hill Place, Edinburgh, EH9 1NP
CONDITIONS APPLIED FOR		Maximum Occupants - 3
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		SATISFACTORY
REPRESENTATIONS RECEIVED		Kelly Stewart Helen Colquhoun
DETERMINATION DATE		21 May 2020
RENEWAL DATE		31 May 2022
NOTES:		

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LICENSING REF NO: 403408

ITEM NO

**HMO
NEW**

APPLICANT DETAILS: NAME AGENT LODGING AGENT	Mr Henry Fung Mr Brian Morgan, HMO Scotland Ltd
PREMISES ADDRESS	96 Findhorn Place, EH9 2NZ
CONDITIONS APPLIED FOR	Maximum Occupants - 5
24 HOUR CONTACT NUMBER	SATISFACTORY
NOTICE OF APPLICATION	SATISFACTORY
REPRESENTATIONS RECEIVED	<ul style="list-style-type: none"> • Penelope & John Ireland • Kirstine & Burry Baxter • D B Fisher • Mike Brown & Christina Naismith • Peter Watts • Jeremy W Hughes • Mrs C A Taylor & Mr D A Taylor
DETERMINATION DATE	16 January 2020
RENEWAL DATE	1 Year from Date of Grant
NOTES:	

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LICENSING REF NO: 416542

ITEM NO

**HMO
NEW**

APPLICANT DETAILS: <div style="text-align: right; padding-right: 20px;"> NAME AGENT LODGING AGENT </div>	Track Twelve Limited Mr Stephen Coyle, Cullen Property Limited Cullen Property Limited
PREMISES ADDRESS	Flat 2, 31 Grove Street, Edinburgh, EH3 8AF
CONDITIONS APPLIED FOR	Maximum Occupants - 5
24 HOUR CONTACT NUMBER	SATISFACTORY
NOTICE OF APPLICATION	SATISFACTORY
REPRESENTATIONS RECEIVED	<ul style="list-style-type: none"> • Peter Johnson • Patricia Player • Alan Hunter • Liz Haggard • Karen Hamilton
DETERMINATION DATE	15 July 2020
RENEWAL DATE	1 YEAR FROM DATE OF GRANT
NOTES:	

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HMO
NEW

APPLICANT DETAILS: NAME AGENT LODGING AGENT	Mr Mohammed Ather Bashir
PREMISES ADDRESS	Flat 4, 27 Mortonhall Road, Edinburgh, EH9 2HS
CONDITIONS APPLIED FOR	Maximum Occupants - 4
24 HOUR CONTACT NUMBER	SATISFACTORY
NOTICE OF APPLICATION	SATISFACTORY
REPRESENTATIONS RECEIVED	<ul style="list-style-type: none"> • Lucia Barrett and Ian Crorie • Brian Bould • Mr A Dun • Lynn Gee • Kay Halfpenny • June Rapson • Constance Kelly • Maren McElroy • Edythe Murie • Susan Orr • Lyndsay Ovestone • Arun Pillai • Francis Rapson • Joan Rapson • Ron Wilson • Torcail Stewart • Evgenia Teplechuck • Kathryn Will and Samuel Cochrane
DETERMINATION DATE	21 May 2020
RENEWAL DATE	1 YEAR FROM DATE OF GRANT

NOTES:

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LICENSING REF NO: 408837

ITEM NO

**HMO
NEW**

APPLICANT DETAILS: NAME AGENT LODGING AGENT	Mr Andrew Dalziel Finnie Mr Brian Morgan, HMO Scotland Ltd
PREMISES ADDRESS	3f, 6 York Place, Edinburgh, EH1 3EP
CONDITIONS APPLIED FOR	Maximum Occupants - 4
24 HOUR CONTACT NUMBER	SATISFACTORY
NOTICE OF APPLICATION	SATISFACTORY
REPRESENTATIONS RECEIVED	<ul style="list-style-type: none"> • Deirdre Henderson • John McGowan • Peter Piaskowski • Suzhen Liu Wang
DETERMINATION DATE	2 April 2020
RENEWAL DATE	1 YEAR FROM DATE OF GRANT
NOTES: LATE OBJECTIONS	

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by virtue of paragraph(s) 6, 12, 14 of Part 1 of Schedule 7A
of the Local Government(Scotland) Act 1973.

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