

# Notice of meeting and agenda

## Licensing Sub-Committee

**1.30pm, Monday, 9th March, 2020**

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 Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

### Contacts

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Tel: 0131 529 4240 / 0131 529 4237

## **1. Order of Business**

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

## **2. Declaration of Interests**

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

## **3. Minutes**

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- |     |   |         |
|-----|---|---------|
| 3.1 | Minute of Licensing Sub-Committee of 3 February 2020 – submitted for approval as a correct record | 5 - 18  |
| 3.2 | Minute of Licensing Sub-Committee of 4 February 2020 – submitted for approval as a correct record | 19 - 42 |

## **4. Reports**

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- |     |   |           |
|-----|---|-----------|
| 4.1 | Proposed Parade/Procession: 3 April 2020 – School Strike for Climate – Report by                          | 43 - 66   |
| 4.2 | Proposed Parade/Procession: 8 May 2020 - Red Cross Royal SMile – Report by                                | 67 - 76   |
| 4.3 | Proposed Parade/Procession: 30 May 2020 - My Peak Challenge 2020 – Report by                              | 77 - 86   |
| 4.4 | Application for Street Trader's Licence – Report by   | 87 - 116  |
| 4.5 | Request for Refusal of HMO Licence – Report by  | 117 - 150 |
| 4.6 | Application for Grant of Private Hire Licence – LPG Conversion - Tomasz Skarzynski – Report by            | 151 - 154 |
| 4.7 | Application for Grant of Taxi Licence – LPG Conversion - Henderson, Gibb and Gibb Partnership – Report by | 155 - 158 |

## **5. Civic Government (Scotland) Act 1982 - To consider miscellaneous applications**

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<b>5.1</b>	Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 - to consider miscellaneous applications	159 - 160
<b>5.2</b>	Street Trader Licence (New) - Mohamed Abdrabo	161 - 166
<b>5.3</b>	Street Trader Licence (Renewal) - Sheila Gunderson	167 - 176
<b>5.4</b>	House in Multiple Occupation Licence (New) - 26 Hazeldean Terrace, Edinburgh	177 - 184
<b>5.5</b>	House in Multiple Occupation Licence (Renewal) - 163 Craiglea, Edinburgh	185 - 192
<b>5.6</b>	House in Multiple Occupation Licence (Renewal) - 16 (1F2) Grove Street, Edinburgh	193 - 202
<b>5.7</b>	House in Multiple Occupation Licence (Renewal) - 151 Morningside Drive, Edinburgh	203 - 210

### **Laurence Rockey**

Head of Strategy and Communications

### **Committee Members**

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Councillors 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**

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

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

## Further information

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If you have any questions about the agenda or meeting arrangements, please contact Lesley Birrell or Sarah Stirling, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 4237, email [lesley.birrell@edinburgh.gov.uk](mailto:lesley.birrell@edinburgh.gov.uk) / [martin.scott@edinburgh.gov.uk](mailto:martin.scott@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

<https://democracy.edinburgh.gov.uk/ieDocHome.aspx?bcr=1>.

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

# Minutes

## Licensing Sub-Committee of the Regulatory Committee

1.30pm, Monday 3 February 2020

### Present

Dixon (Vice-Convenor, in the Chair), Doran (from agenda item 5.3 onwards), Howie, Mitchell, Rose (to agenda item 7.14), Rae and Neil Ross.

### 1. Minutes

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#### Decision

- 1) To approve the minute of the Licensing Sub-Committee of 16 December 2019 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 17 December 2019 as a correct record.
- 3) To approve the minute of the Licensing Sub-Committee of 16 January 2020 as a correct record.

### 2. Proposed Parade/Procession: March 2020

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Details were provided of a notification received for a proposed International Woman's Day Parade to be held on 8 March 2020. The Event Organiser and the appropriate Council officers were heard.

#### Decision

To make an order in respect of the proposed International Woman's March parade on 8 March 2020 within the designated route and times imposing conditions that:

- 1) The parade shall proceed in accordance with the route and times agreed at the Events Planning and Operations Group, namely: - Bristo Square – George Square – Middle Meadow Walk – Forrest Road – George IV Bridge – Mound – Mound Precinct.
- 2) The organiser will adhere to the recommendations of the Events Planning and Operations Group.
- 3) The proposed conditions recommended by the Council's Regulatory Services Manager shall be applied.

(Reference – Notification, submitted)

### 3. Application for Street Trader's Licence

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An application was received for a Street Trader's Licence from Bright Bus Tours to allow the street team to retail tickets from handheld devices in a number of locations throughout the city.

### **Decision**

To continue consideration of the application to the meeting of the Licensing Sub-Committee on 9 March 2020 to allow a risk assessment and for the applicant to provide a method statement.

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

### **Declaration of Interest**

Councillor Doran declared a non-financial interest in the above item as a Board member of Transport for Edinburgh, the Vice-Convener of the Transport and Environment Committee and as a City Centre ward councillor.

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

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Details were provided of five 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)

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

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

## **6. Civic Government (Scotland) Act 1982 to consider miscellaneous applications**

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

### **Decision**

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

(Reference – list of applications, submitted)



## APPENDIX

### Applications for Miscellaneous Licences

Late Hours Catering Licence (New)		
<b>5.2</b>	Helena Novotna 155 Dundee Street, Edinburgh	To <b>GRANT</b> the licence for the hours Sun-Thurs 23:00-01:00 and Fri-Sat 23:00-02:00 subject to the Council's standard conditions for this category of licence plus an additional condition that no hot food or drinks be served.
Late Hours Catering Licence (Renewal)		
<b>5.3</b>	Ahmet Kaya 33-35 Clerk Street, Edinburgh	To <b>GRANT</b> the licence for the hours Sun-Thurs 23:00-01:00 and Fri-Sat 23:00-02:00 subject to the Council's standard conditions for this category of licence with a waste management plan to be agreed and put in place for 6 months.
House in Multiple Occupation Licence (Renewal)		
<b>5.4</b>	Tahir Ali 51 (1F2) Clerk Street, Edinburgh	<ol style="list-style-type: none"> <li>1) To <b>AGREE</b> to consider the late objection.</li> <li>2) To <b>REFUSE</b> the licence in terms of section 131 (1) (a) and (2)(c) and (f) of the Housing (Scotland) Act 2006 as the premises were not suitable for occupation as an HMO and there was the possibility of undue public nuisance.</li> </ol>
House in Multiple Occupation Licence (New)		
<b>5.5</b>	<p>██████████ ████████████████████ ████████████████████ ██████</p> <p>Agent: ██████ ██████████</p>	<p>To repel the public objections and <b>GRANT</b> the licence subject to the Council's standard conditions for this category of licence.</p> <p><b>Declaration of Interest.</b></p> <p>Councillor Howie declared a non-financial interest in the item as a family member works for ██████████ ██████████ and took no part during the Committee's consideration of the item.</p>
<b>5.6</b>	2f1, 5 Thirlestane Road, Edinburgh, EH9 1AL  Denise Neill	To repel the public objections and <b>GRANT</b> the licence subject to the Council's standard conditions for this category of licence.



	Agent: Alicja Czarnomska, Umega Lettings	
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by virtue of paragraph(s) 3, 6, 12, 14 of Part 1 of Schedule 7A  
of the Local Government(Scotland) Act 1973.

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# Minutes

## Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday 4 February 2020

### Present

Fullerton (Convener), Dixon (Vice-Convener), Cameron (substituting for Councillor Arthur, items 7 to 11 (7.5(w))), Child (substituting for Councillor Wilson), Howie, Mowat (substituting for Councillor Mitchell, items 1 to 11 (7.5(f)), then 11 (7.5(s)) onwards), Rose and Neil Ross.

### 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. Request for Suspension or Revocation of Taxi Driver's Licence

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The Sub-Committee considered a request by the Executive Director of Place to suspend or revoke a Taxi Driver Licence. The Regulatory Services Manager, licence holder and his agent were heard.

#### 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)

### 3. Application for New Taxi Vehicle Licence

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The Sub-Committee considered an application for a new taxi licence from 959 Taxis Ltd. The late renewal and resignation of a company director had resulted in the new application.

#### Decision

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

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

## 4. Application for New Taxi Vehicle Licence

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The Sub-Committee considered an application for a new taxi licence from 1173 Edin Ltd. The death of the licence holder had resulted in the new application in order for family members to obtain a licence in order to keep the taxi in operation.

### Decision

- 1) To **GRANT** the licence subject to the standard conditions for this category of licence.
- 2) To **VARY** the licence conditions to allow an exemption to policy for a period of 1 year to expiry of licence on 1 February 2021.

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

## 5. Resolution to Consider in Private

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

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

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The Sub-Committee considered a request to recall the suspension of a Private Hire Driver's Licence. The Regulatory Services Manager and the licence holder's agent were heard.

### 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)

## 7. Request for Suspension or Revocation of Private Hire Driver's Licence

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The Sub-Committee considered a request by the Executive Director of Place to suspend or revoke a Private Hire Driver's Licence on the basis that licence holder had accepted an illegal hire by picking up passengers who had not made a pre-booking. The Regulatory Services Manager, licence holder and his interpreter were heard.

### 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)

## 8. Request for Suspension or Revocation of Private Hire Driver's Licence

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The Sub-Committee considered a request by the Executive Director of Place to suspend or revoke a Private Hire Driver's Licence on the basis that licence holder had accepted an illegal hire by picking up passengers who had not made a pre-booking. The Regulatory Services Manager, licence holder and his representative were heard.

## **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)

## **9. Request for Suspension or Revocation of Private Hire Driver's Licence**

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The Sub-Committee considered a request by the Executive Director of Place to suspend or revoke a Private Hire Driver's Licence. The Regulatory Services Manager, licence holder and his representative were heard.

## **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)

## **10. Request for Suspension or Revocation of Licence**

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The Sub-Committee considered a request by the Police Scotland to suspend or revoke a Taxi Driver's Licence. The Regulatory Services Manager, licence holder and his representative were heard.

## **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)

## **11. Police Requests for Suspension or Revocation of Licences**

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The Sub-Committee considered 25 requests by Police Scotland to suspend a Taxi Licence or a Private Hire Car Driver Licence. Police Scotland, the licence holders and their agents were heard.

## **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)

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by virtue of paragraph(s) 3, 6, 12, 14 of Part 1 of Schedule 7A  
of the Local Government(Scotland) Act 1973.

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# Licensing Sub-Committee of the Regulatory Committee

**1.30pm, Monday, 9 March 2020**

## **Proposed Parade/Procession: 3 April 2020 – School Strike for Climate**

**Executive/routine**

**Wards**

**Council Commitments**

### **Executive Summary**

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The City of Edinburgh Council has been notified of a parade which is proposed to take place on 3 April 2020. The proposed route includes the High 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 parade. The committee needs to decide whether to exercise any of these options.

This parade has also been referred to the committee as the proposed route includes the High Street.

**Andrew Mitchell**

Regulatory Services Manager

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## Proposed Parade/Procession: 3 April 2020 - School Strike for Climate

### 1. Recommendations

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

### 2. Background

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- 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 'Schools Strike for Climate Change' parade in the city (further details in Appendix 1). It is proposed that the parade will use the High Street.
- 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

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- 3.1 Notification form and other documents relevant to the proposed parade are attached as Appendix 1.
- 3.2 The route agreed at EPOG (Appendix 1) is Meadows, Middle Meadow Walk, Forrest Road, George IV Bridge, High Street, Canongate, Horse Wynd, Holyrood Park (finish).
- 3.3 The recommended conditions (Appendix 2) are sufficient to mitigate and manage any possible disruption to the community.
- 3.4 A representative of the organisation will be invited to address the committee regarding the proposed parade.

### 4. Measures of success

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

- 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**

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- 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**

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- 6.1 Should the committee decide to restrict or prohibit the procession, the person 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**

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- 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**

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- 8.1 The hearing relates to a statutory function of the Council and the limited criteria under the Act for determining whether to exercise these powers is set out in paragraph 2.3 above.

## **9. Consultation and engagement**

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- 9.1 Statutory consultation has taken place regarding the parades.

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

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

## **11. Appendices**

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- 11.1 Appendix 1: Notification forms and relevant information
- 11.2 Appendix 2: Emails from Roads team

11.3 Appendix 3: Minutes of EPOG meeting 13/2/2020

11.4 Appendix 4: Recommended conditions

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# Licensing Sub-Committee of the Regulatory Committee

**1.30pm, Monday, 9 March 2020**

## **Proposed Parade/Procession: 8 May 2020 - Red Cross Royal SMile**

**Executive/routine**

**Wards**

11 - City Centre

**Council Commitments**

### **Executive Summary**

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The City of Edinburgh Council has been notified of a parade which is proposed to take place on 8 May 2020. The proposed route includes the High 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.

**Andrew Mitchell**

Regulatory Services Manager

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## Proposed Parade/Procession: 8 May 2020

### 1. Recommendations

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

### 2. Background

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- 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 'Red Cross Royal SMile' in the city (further details in Appendix 1). It is proposed that the parade will use the High Street.
- 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

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- 3.1 Notification form and other documents relevant to the proposed parade are attached as Appendix 1.
- 3.2 The recommended conditions (Appendix 2) are sufficient to mitigate and manage any possible disruption to the community.
- 3.3 A representative of the organisation will be invited to address the committee regarding the proposed parade.

### 4. Measures of success

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- 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**

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- 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**

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- 6.1 Should the committee decide to restrict or prohibit the procession, the person 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**

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- 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**

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- 8.1 None

## **9. Consultation and engagement**

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- 9.1 Statutory consultation has taken place regarding the parades.

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

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

## **11. Appendices**

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- 11.1 Appendix 1: Notification form and relevant information
- 11.2 Appendix 2: Proposed conditions

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# Licensing Sub-Committee of the Regulatory Committee

**1.30pm, Monday, 9 March 2020**

## **Proposed Parade/Procession: 30 May 2020 - My Peak Challenge 2020**

**Executive/routine**

**Wards**

11 - City Centre

**Council Commitments**

### **Executive Summary**

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The City of Edinburgh Council has been notified of a parade which is proposed to take place on 30 May 2020. The proposed route includes the High 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.

**Andrew Mitchell**

Regulatory Services Manager

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## Proposed Parade/Procession: 30 May 2020

### 1. Recommendations

---

- 1.1 It is recommended that the committee makes an order in respect of the proposed parade, 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 'My Peak Challenge 2020' in the city (further details in Appendix 1). It is proposed that the parade will use the High Street.
- 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 form and other documents relevant to the proposed parade are attached as Appendix 1.
- 3.2 The recommended conditions (Appendix 2) are sufficient to mitigate and manage any possible disruption to the community.
- 3.3 A representative of the organisation will be invited to address the committee regarding the proposed parade.

### 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**

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- 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 person 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**

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- 8.1 None

## **9. Consultation and engagement**

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- 9.1 Statutory consultation has taken place regarding the parades.

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

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

## **11. Appendices**

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- 11.1 Appendix 1: Notification form and relevant information
- 11.2 Appendix 2: Proposed conditions

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# Licensing Sub-Committee of the Regulatory Committee

**1.30pm, Monday, 9 March 2020**

## **Application for Street Trader’s Licence**

<b>Executive/routine</b>	
<b>Council Commitments</b>	N/A
<b>Wards</b>	City Centre Ward (11)

### **Executive Summary**

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First Scotland East which operates Bright Bus Tours has applied for a Street Trading Licence (Appendix 1) to allow the street team to retail tickets from hand held devices in a number of locations throughout the city.

The locations identified by First Scotland East are within areas where the current Street Trading Policy makes a presumption against street trading. The application seeks an exemption to policy.

## Application for Street Trader's Licence

### 1. Recommendations

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- 1.1 After hearing from Council Officers and the relevant licence holder, it is recommended that the committee considers whether it is appropriate to grant this licence; and if minded to do so to attach additional conditions which:
  - 1.1.1 Limit the area in which tickets can be sold to Waverley Bridge only; and
  - 1.1.2 Limit the number of employees authorised to sell tickets on Waverley Bridge

### 2. Background

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- 2.1 The Council licenses Street Trading under the Civic Government (Scotland) Act 1982. A Street Trading Licence is required by a person who, whether on his own account or as an employee, in a public place hawks, sells or offers or exposes for sale any article.
- 2.2 On 9 December 2004 the City of Edinburgh Council adopted a policy on Street Trading in the city. This policy was updated on 1 February 2016 and was reaffirmed by committee on 21 October 2019 (Appendix 2).
- 2.3 The policy lays out presumptions in favour of or against street trading in certain areas of the city.
- 2.4 In terms of the policy, mobile street trading is not considered suitable in ward 11. Waverley Bridge is not currently considered a suitable location for street trading of any type.
- 2.5 Public Service Vehicle (PSV) operators are regulated by and require a licence to operate from the Traffic Commissioner's Office. This includes those who run tour bus services. The Traffic Commission does not have any specific legislative provisions which regulates ticketing. However, the conduct of staff who work for operators may, depending on the context and circumstances, affect an operator's reputation or fitness to hold a licence.
- 2.6 The activity (selling tickets) proposed by First Scotland East falls within the definition of 'street trading' and 'licensable activity'. The actual bus tour service and the tours they provide do not fall within the terms of street trading and the council has no power to regulate this part of the activity.

### 3. Main report

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- 3.1 On 1 July 2019 the Licensing Service received an application for a Street Trader's Licence from Mr Noel Gordon Bannerman of First Scotland East, which operates Bright Bus Tours. The application is to allow a street team to retail tickets from hand held devices in a number of locations throughout the city, including Waverley Bridge, George IV Bridge, the Royal Mile, Victoria Street, Holyrood Gait and Horse Wynd (Appendix 1). The intended hours of trading are 0800 to 1830 daily.
- 3.2 The trading areas proposed in the application are areas of high footfall. Concern has been expressed in the past regarding congestion and interaction with other street activity.
- 3.3 The local Roads team has raised a number of concerns and has asked for:
  - 3.3.1 a risk assessment and method statement for this application; and
  - 3.3.2 a more specific and detailed locations of trading areas.In addition the Roads team has proposed that the licence:
  - 3.3.3 restricts the number of traders on Waverley Bridge, which should include a restriction on the overall number of traders currently operating in this area;
  - 3.3.4 restricts trading in other locations; and
  - 3.3.5 should perhaps run as a trial for the first year.
- 3.4 The application specifies areas where there is a presumption against street trading within the current street trading policy parameters. It would be normal to require a separate application for each of the trading areas proposed. If granted, a mobile Street Trading Licence of this type would create a precedent for this type of trading in the city centre (ward 11). This that has been considered highly desirable by street traders in the past, as it would allow unrestricted trade in the city centre. The committee is asked to note that similar applications from sellers of goods have been refused in the past
- 3.5 The committee is asked to consider whether or not:
  - 3.5.1 the proposed trading locations are suitable (Appendix1);
  - 3.5.2 to depart from policy and allow mobile trading within the city centre (ward 11);
  - 3.5.3 to limit trading to specific locations and to require individual applications for each location; and
  - 3.5.4 to limit the number of employees at specific locations.
- 3.6 The onus is on the applicant to make a case for exemption. The applicant has been invited to attend or to be represented at the meeting.

#### **4. Measures of success**

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

#### **5. Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2019.

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

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- 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**

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- 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**

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- 10.1 None

#### **Andrew Mitchell**

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

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## 11. Appendices

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- 11.1 Appendix 1 – Application forms and associated documentation
- 11.2 Appendix 2 - Street Trading Policy & Street Trading and Market Operators conditions

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## Licensing Sub-Committee of the Regulatory Committee

1.30pm, Monday, 9 March 2020

### Request for Refusal of HMO Licence

Executive/routine  
Wards

#### Executive Summary

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This report requests that the Licensing Sub Committee refuses the renewal application for a House in Multiple Occupation Licence which has been submitted by Bashiran Ahmed for the property at 7 Lady Road Edinburgh.

During the process of renewal of the House in Multiple Occupation (HMO) licence, the Private Rented Services inspection team identified that the electrical safety certificate which was submitted with the application had been altered to falsify its validity.

It was also noted that there had been a gap in the validity of the gas safety certificates during the previous licence period.

Bashiran Ahmed is not currently registered as a landlord.

## Request for Refusal of HMO Licence

### 1. Recommendations

---

- 1.1 After hearing from the relevant licence holder and Council officers, it is recommended that the Licensing Sub Committee refuses the renewal application for 7 Lady Road Edinburgh which has been submitted by the applicant Bashiran Ahmed on the grounds that applicant is not a fit and proper person to hold a licence because they:
- falsified a gas safety certificate;
  - failed to ensure that valid safety certificates were in place during the completed period of the previous licence; and
  - failed to maintain a valid landlord registration.

### 2. Background

---

- 2.1 The Council licenses Houses in Multiple Occupation (HMOs) under the Housing (Scotland) Act 2006.
- 2.2 A licensing authority can refuse an application if in its opinion:
- 2.2.1 the property is no longer suitable for occupation as an HMO;
  - 2.2.2 the applicant is not a fit and proper person to hold a licence; or
  - 2.2.3 any condition of an HMO licence has been breached (regardless of whether the local authority has taken any other action, or of whether criminal proceedings have been commenced, in respect of that breach).

### 3. Main report

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- 3.1 Bashiran Ahmed is the licence holder for an HMO property at 7 Lady Road Edinburgh. This property has been licensed since 2017. On 29 March 2019 an application (Appendix 1) to renew the HMO licence for this property was received by the Council.
- 3.2 Submitted with this application on 29 March 2019 were a number of certificates including an electrical safety certificate (Appendix 2) and a gas safety certificate (Appendix 3).
- 3.3 It was noted by the Private Rented Services (PRS) inspection team that the electrical safety certificate (Appendix 2) that was submitted with the application

stated that it was valid for six years from December 2014. A copy of the electrical safety certificate that was submitted with the previous application in 2017 is included as Appendix 4. This shows the same certificate issued in December 2014 but stating it is valid for five years. The certificates are identical except for page 3 where the validity period has clearly been altered from five to six years.

- 3.4 The validity period of the certificate was raised with the electrician who carried out the test in 2014. He confirmed that the electrical safety certificate issued in December 2014 was only valid for five years. An extract to this effect from the investigating officer's notebook, signed by the electrician, is included as Appendix 5.
- 3.5 By comparing the gas safety certificates for the current licence and the renewal application the inspection team was able to establish that there was a gap in the validity of the gas safety certificates. The gas safety certificate (Appendix 3) which was submitted with this application is valid from 14 January 2019. The gas safety certificate which was submitted with the previous application (Appendix 6) expired on 29 May 2018.
- 3.6 The applicant was invited to a meeting to discuss the findings of the investigation on 5 June 2019. Mrs Ahmed did not attend this meeting, instead sending her son Nadim Ahmed who is believed to be the 24 hour contact for the property. When he was asked about the alteration to the electrical certificate and the gap in gas safety certificates he advised that he didn't know anything as it was his mother who had submitted the application.
- 3.7 A further check with the Landlord Registration team has established that Mrs Ahmed is not currently registered as a landlord with the City of Edinburgh Council, a previous registration for Mrs Ahmed having expired on 9/12/2017. Having allowed her registration to lapse, the Council is not aware of any further correspondence on this issue.
- 3.8 It is recommended that the committee refuses the application on the grounds that the applicant is not fit and proper because: a) they falsified safety certificates as outlined in para 3.3; b) they failed to ensure that valid gas safety certificates were in place during the completed period of the previous licence as described at para 3.5 this being a breach of licence conditions and comprises essential checks required to keep tenants safe; c) they failed to maintain valid landlord registration as required by law.

## **4 Measures of success**

---

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

## **5 Financial impact**

---

5.1 None.

## **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 None

Contact: Andrew Mitchell, Regulatory Services Manager

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

## **11 Appendices**

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11.1 Appendix 1 - HMO Application form

11.2 Appendix 2 - Electrical certificate submitted with current application

11.3 Appendix 3 - Gas safety certificate submitted with current application

11.4 Appendix 4 - Electrical certificate submitted with previous application

11.5 Appendix 5 - Statement from A Sennussi, Electrician.

11.6 Appendix 6 - Gas certificate submitted with previous application

11.7 Appendix 7 - Landlord registration emails



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# Licensing Sub-Committee of the Regulatory Committee

1.30pm, Monday, 9 March 2020

## Application for Grant of Private Hire Licence – LPG Conversion – Tomasz Skarzynski

### Executive/routine

Wards	All
Council Commitments	N/A

### Executive Summary

---

A new application for the grant of a Private Hire Licence for a vehicle converted to LPG has been received. The current policy allows applications to be granted under delegated powers for vehicles which are currently within the existing fleet. As this vehicle is not currently within the licensed fleet the application is referred to the committee for determination.

This report sets out relevant sections of the policy background which should be considered when determining this application.

**Andrew Mitchell**

**Regulatory Services Manager**

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail: [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 529 4042

## Application for Grant of Private Hire Licence – LPG Conversion

### 1. Recommendations

---

- 1.1 It is recommended that the committee:
  - 1.1.1 notes the contents of this report; and
  - 1.1.2 grants the application attaching standard conditions

### 2. Background

---

- 2.1 The requirement to hold a Taxi Licence is detailed in the Civic Government (Scotland) Act 1982 ('the Act'). The procedures for processing such applications and considering objections etc. are set out in the Act.
- 2.2 On 16 March 2018 the Regulatory Committee agreed to amend its policy with respect to the age and emissions standard of licensed vehicles in Edinburgh's Taxi and Private Hire Car ('PHC') fleet.
- 2.3 On 7 May 2018 the Regulatory Committee agreed the new licensing conditions that would allow this policy to come into effect.
- 2.4 This policy stated that vehicles within the existing fleet converted to LPG may be licensed where relevant documentation has been received and the vehicle has been satisfactorily examined by the Taxi Examination Centre.
- 2.5 On 20 May 2019 the Regulatory Committee resolved to refer applications for new vehicles not previously licensed that have been converted to LPG to the Licensing Sub-Committee for determination.
- 2.6 The committee can add other reasonable conditions as it sees fit, if it is minded to grant the licence.

### 3. Main report

---

- 3.1 A new application for the grant of a Private Hire Licence has been received from Tomasz Skarzynski for a vehicle which has been converted to LPG.

- 3.2 The relevant vehicle has been inspected by the Taxi Examination Centre and found to be suitable for use as a Private Hire Car, subject to the committee agreeing to make an exemption.
- 3.3 As officers do not have delegated authority to grant new applications for LPG converted vehicles, the application is referred to the committee for consideration of whether to make an exemption to policy.
- 3.4 The applicant or his representative have been invited to address the committee.

## **4 Measures of success**

---

- 4.1 Not relevant, as decisions on individual licences must be considered on their own merits.

## **5 Financial impact**

---

- 5.1 All associated costs are contained within the existing Licensing budget.

## **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 would be made 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**

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- 10.1 [Age Limitation and Emission Standards for Taxis and Private Hire Cars – update report](#) to Regulatory Committee on 20 May 2019.

# 11 Appendices

---

11.1 None.

# Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday, 10 March 2020

## Application for Grant of Taxi Licence – LPG Conversion – Henderson, Gibb and Gibb Partnership

**Executive/routine**

**Wards**

All

**Council Commitments**

N/A

### Executive Summary

A new application for the grant of a Taxi Licence for a vehicle converted to LPG has been received. The current policy allows applications to be granted under delegated powers for vehicles which are currently within the existing fleet. As this vehicle is not currently within the licensed fleet the application is referred to the committee for determination.

This report sets out relevant sections of the policy background which should be considered when determining this application.

**Andrew Mitchell**

**Regulatory Services Manager**

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 529 4042

## Application for Grant of Taxi Licence – LPG Conversion

### 1. Recommendations

---

- 1.1 It is recommended that the committee:
  - 1.1.1 notes the contents of this report; and
  - 1.1.2 grants the application attaching standard conditions

### 2. Background

---

- 2.1 The requirement to hold a Taxi Licence is detailed in the Civic Government (Scotland) Act 1982 ('the Act'). The procedures for processing such applications and considering objections etc. are set out in the Act.
- 2.2 On 16 March 2018 the Regulatory Committee agreed to amend its policy with respect to the age and emissions standard of licensed vehicles in Edinburgh's Taxi and Private Hire Car ('PHC') fleet.
- 2.3 On 7 May 2018 the Regulatory Committee agreed the new licensing conditions that would allow this policy to come into effect.
- 2.4 This policy stated that vehicles within the existing fleet converted to LPG may be licensed where relevant documentation has been received and the vehicle has been satisfactorily examined by the Taxi Examination Centre.
- 2.5 On 20 May 2019 the Regulatory Committee resolved to refer applications for new vehicles not previously licensed that have been converted to LPG to the Licensing Sub-Committee for determination.
- 2.6 The committee can add other reasonable conditions as it sees fit, if it is minded to grant the licence.

### 3. Main report

---

- 3.1 A new application for the grant of a Taxi Licence has been received from Henderson, Gibb and Gibb Partnership for a vehicle which has been converted to LPG.
- 3.2 The relevant vehicle has been inspected by the Taxi Examination Centre and found to be suitable for use as a taxi, subject to the committee agreeing to make an exemption.



- 3.3 As officers do not have delegated authority to grant new applications for LPG converted vehicles, the application is referred to the committee for consideration of whether to make an exemption to policy.
- 3.4 The applicant or his representative have been invited to address the committee.

## **4 Measures of success**

---

- 4.1 Not relevant, as decisions on individual licences must be considered on their own merits.

## **5 Financial impact**

---

- 5.1 All associated costs are contained within the existing Licensing budget.

## **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 would be made 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 [Age Limitation and Emission Standards for Taxis and Private Hire Cars – update report](#) to Regulatory Committee on 20 May 2019.

## **11 Appendices**

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- 11.1 None.

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Licensing Sub-Committee of the Regulatory Committee

9 March 2020

Applications for Miscellaneous Licences

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
<b>The following applicants have been invited for 1.30pm</b>							
<b>Street Trader Licence (New)</b>							
5.2	Mr Mohamed Abdrabo	Lauriston Place, Edinburgh	Standard Conditions Hours: 07:00 – 22:00	N/A		N/A	04.11.20
<b>Street Trader Licence (Renewal)</b>							
5.3	Mr Sheila Gunderson	Turnhouse Road, Edinburgh	Standard Conditions	N/A		N/A	18.04.20
<b>House in Multiple Occupation Licence (New)</b>							
5.4	Mr Scott Lesley Duncan	26 Hazeldean Terrace, Edinburgh	5 occupants	Satisfactory	Public objection	Sandra Carr	22.12.20

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
<b>House in Multiple Occupation Licence (Renewal)</b>							
5.5	Carr Gomm Agent: Keith Milligan	163 Craiglea Drive, Edinburgh	4 occupants	Satisfactory	Public objection	Frank J Dolan	18.11.20
5.6	Eric Gardiner Agent: David Rowand, Cairn Letting	16(1F2) Grove Street, Edinburgh	4 occupants	Satisfactory	Public objection	Liz Haggard Mr and Mrs Player Alan Hunter	27.11.20
5.7	Carr Gomm Agent: Keith Milligan	151 Morningside Drive, Edinburgh	3 occupants	Satisfactory	Public objection	Dr Satish Ramm	13.11.20

LICENSING REF NO: 429247

**ITEM NO**

**STREET TRADER LICENCE**

New

<b>APPLICANT DETAILS: MANAGER</b>	<b>NAME</b>	<b>Mr Mohamed Abdrabo</b>
<b>PREMISES ADDRESS</b>		<b>Lauriston Place, Edinburgh</b>
<b>CONDITIONS RECOMMENDED</b>		<b>Standard Conditions</b>
<b>REPRESENTATIONS RECEIVED</b>		<b>N/A</b>
<b>REASON FOR BEING CALLED TO COMMITTEE</b>		<b>Out with Council policy.</b>
<b>DETERMINATION DATE</b>		<b>4 November 2020</b>
<b>NOTES: Application out with Council policy. Applicant requesting the trading hours of 07:00 to 22:00.</b>		

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LICENSING REF NO. 416734

**ITEM NO**

## STREET TRADER LICENCE

Renewal

<b>APPLICANT DETAILS: MANAGER</b>	<b>NAME</b>	<b>Ms Sheila Gunderson</b>
<b>PREMISES ADDRESS</b>		<b>Turnhouse Road, Edinburgh</b>
<b>CONDITIONS RECOMMENDED</b>		<b>Standard Conditions</b>
<b>REPRESENTATIONS RECEIVED</b>		<b>N/A</b>
<b>REASON FOR BEING CALLED TO COMMITTEE</b>		<b>No written permission lodged.</b>
<b>DETERMINATION DATE</b>		<b>18 April 2020</b>
<b>NOTES: Applicant has been unable to provide written permission from neighbouring residents/businesses.</b>		

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# Agenda Item 5.4

LICENSING REF NO: 426601

ITEM NO

HMO  
NEW

APPLICANT DETAILS: NAME AGENT LODGING AGENT	<b>Mr Scott Lesley Duncan</b>
PREMISES ADDRESS	<b>26 Hazeldean Terrace, Edinburgh, EH16 5RU</b>
CONDITIONS APPLIED FOR	<b>Maximum Occupants - 5</b>
24 HOUR CONTACT NUMBER	<b>SATISFACTORY</b>
NOTICE OF APPLICATION	<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED	<b>Sandra Carr</b>
DETERMINATION DATE	<b>22 December 2020</b>
RENEWAL DATE	<b>1 YEAR FROM DATE OF GRANT</b>
<b>NOTES:</b>	

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# Agenda Item 5.5

LICENSING REF NO: 424327

ITEM NO

**HMO  
RENEWAL**

APPLICANT DETAILS:	NAME	<b>Carr Gomm</b>
	AGENT	<b>Mr Keith Milligan</b>
	LODGING AGENT	
PREMISES ADDRESS		<b>163 Craiglea Drive, Edinburgh, EH10 5PT</b>
CONDITIONS APPLIED FOR		<b>Maximum Occupants - 4</b>
24 HOUR CONTACT NUMBER		<b>SATISFACTORY</b>
NOTICE OF APPLICATION		<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED		<b>Frank J Dolan</b>
DETERMINATION DATE		<b>13 November 2020</b>
RENEWAL DATE		<b>18 November 2022</b>
<b>NOTES:</b>		

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# Agenda Item 5.6

LICENSING REF NO: 425126

ITEM NO

**HMO  
RENEWAL**

APPLICANT DETAILS:	NAME	<b>Mr Eric Gardiner</b>
	AGENT	<b>Mr David Rowand, Cairn Letting</b>
	LODGING AGENT	<b>Carolanne Waters, Cairn Letting</b>
PREMISES ADDRESS		<b>1f2, 16 Grove Street, Edinburgh, EH3 8BB</b>
CONDITIONS APPLIED FOR		<b>Maximum Occupants - 4</b>
24 HOUR CONTACT NUMBER		<b>SATISFACTORY</b>
NOTICE OF APPLICATION		<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED		<b>Liz Haggard Mr and Mrs Player Alan Hunter</b>
DETERMINATION DATE		<b>27 November 2020</b>
RENEWAL DATE		<b>30 November 2022</b>
<b>NOTES:</b>		

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# Agenda Item 5.7

LICENSING REF NO: 424329

ITEM NO

HMO  
RENEWAL

APPLICANT DETAILS:	NAME	<b>Carr Gomm</b>
	AGENT	<b>Mr Keith Milligan</b>
	LODGING AGENT	
PREMISES ADDRESS		<b>151 Morningside Drive, Edinburgh, EH10 5HR</b>
CONDITIONS APPLIED FOR		<b>Maximum Occupants - 3</b>
24 HOUR CONTACT NUMBER		<b>SATISFACTORY</b>
NOTICE OF APPLICATION		<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED		<b>Dr Satish Ramm</b>
DETERMINATION DATE		<b>13 November 2020</b>
RENEWAL DATE		<b>18 November 2022</b>
<b>NOTES:</b>		

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