

Notice of meeting and agenda

Licensing Sub-Committee

2.30pm Monday, 28th September, 2020

Virtual Meeting - via Microsoft Teams

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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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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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 25 February 2020 – submitted for approval as a correct record | 7 - 12 |
| 3.2 | Minute of Licensing Sub-Committee of 9 March 2020 – submitted for approval as a correct record | 13 - 18 |
| 3.3 | Minute of Licensing Sub-Committee of 10 March 2020 – submitted for approval as a correct record | 19 - 40 |
| 3.4 | Minute of Licensing Sub-Committee of 17 March 2020 – submitted for approval as a correct record | 41 - 46 |

4. Miscellaneous Applications

- | | | |
|------------|--|----------|
| 4.1 | Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 - to consider miscellaneous applications – list of applications | 47 - 48 |
| 4.2 | Market Operators Licence (Temporary) - Taylor Scott Ltd | 49 - 62 |
| 4.3 | Market Operators Licence (Temporary) - Localmotive Markets | 63 - 82 |
| 4.4 | House in Multiple Occupation Licence (Renewal) – 16 (1F2) Grove Street | 83 - 92 |
| 4.5 | House in Multiple Occupation Licence (New) – 90 (3F2) Hamilton Place | 93 - 106 |

5. Resolution to consider in private

- 5.1** 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.

6. Suspension/Revocation of Licences

- | | | |
|------------|---|-----------|
| 6.1 | Suspension or Revocation of Private Hire Car and Private Hire Driver's Licences – Report by the Regulatory Services Manager | 107 - 120 |
| 6.2 | Suspension or Revocation of Private Hire Driver's Licence – Report by the Regulatory Services Manager | 121 - 146 |
| 6.3 | Police Requests for Suspension or Revocation of Licences – Report by the Regulatory Services Manager | 147 - 160 |

7. Miscellaneous Applications

- | | | |
|------------|--|-----------|
| 7.1 | Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications – list of applications | 161 - 162 |
| 7.2 | Private Hire Driver Licence (New) - Hector Garcia Montelongo | 163 - 172 |

Laurence Rockey

Head of Strategy and Communications

Committee Members

Councillors Councillor Catherine Fullerton (Convener), Councillor Denis Dixon (Vice-Convener), Councillor Scott Arthur, Councillor Max Mitchell, Councillor Joanna Mowat, 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.

This Licensing Sub-Committee meeting is being held virtually by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4107 / 0131 529 3009, email rachel.gentleman@edinburgh.gov.uk / sarah.stirling@edinburgh.gov.uk.

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

10.30am, Tuesday 25 February 2020

Present

Councillors Fullerton (Convener), Rae, 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. The Sub-Committee agreed under Section 50(A)

2. Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemption to Policy

The Regulatory Committee had agreed to amend its policy and licensing conditions regarding the age and emissions standards of licensed vehicles in Edinburgh's Taxi and Private Hire Car fleet at its meeting on 16 March 2018.

9 requests had been received for exemptions to this policy. The licence holders and relevant Council officers were heard.

Decision

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

(References – Regulatory Committee 16 March 2018 (item 1); 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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Minutes

Licensing Sub-Committee of the Regulatory Committee

1.30pm, Monday 9 March 2020

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Arthur, Howie, Mitchell, Rae, Neil Ross and Rose.

1. Minutes

Decision

- 1) To approve the minute of the Licensing Sub-Committee of 3 February 2020 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee 4 February 2020 as a correct record.

2. Proposed Parade/Procession: 3 April 2020 – School Strike for Climate

Details were provided of a notification received for a proposed march School Strike for Climate to be held on 3 April 2020. The Event Organiser and the appropriate Council officers were heard.

Decision

- 1) To To make an Order in respect of the proposed School Strike for Climate parade on 3 April 2020 within the designated route and times agreed at the Events Planning and Operations Group meeting held on 13 February 2020 as follows:
Step off at 11am:
 - Meadows
 - Teviot Place
 - Bristo Place
 - George IV Bridge
 - Lawnmarket
 - High Street
 - Canongate
 - Horse Wynd
 - Holyrood Park

Rally within Holyrood Park with speeches from stage until 3pm tidy up and clear of park by 5pm.

- 2) To note that if agreement was not obtained from Historic Environment Scotland for the use of Holyrood Park, the event organisers had agreed to potentially carrying out the parade route in reverse.
- 3) To note that the event organisers had agreed to adhere to the recommendations of the Events Planning and Operations Group.
- 4) To agree that the proposed conditions recommended by the Council's Regulatory Services Manager shall be applied and adhered to by the event organisers.

(Reference – Notification, submitted)

3. Proposed Parade/Procession: 8 May 2020 - Red Cross Royal Mile

Decision

To note that the application had been **WITHDRAWN** by the applicant.

(Reference – Notification, submitted)

4. Proposed Parade/Procession: 30 May 2020 - My Peak Challenge 2020

Details were provided of a notification received for a proposed march My Peak Challenge to be held on 30 May 2020.

Decision

- 1) To note that an Events Planning and Operations Group meeting with the event organisers had not yet taken place.
- 2) To **CONTINUE** consideration of the item to the meeting of the Sub-Committee on 20 April 2020.

(Reference – Notification, submitted)

5. Application for Street Trader's Licence - Bright Bus Tours

On 3 February 2020 the Licensing Sub-Committee agreed to continue consideration of a Street Trader's Licence from Bright Bus Tours to allow a risk assessment and for the applicant to provide a method statement.

The application was 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.

As the application was part-heard at the meeting of the Licensing Sub-Committee on 3 February 2020, only Councillors Dixon, Howie, Mitchell, Rae, Rose and Neil Ross were able to participate in the continued consideration of the application.

Motion

To **GRANT** the licence subject to the Council's standard conditions for this category of licence and an additional condition to limit the area in which tickets can be sold to Waverley Bridge only; and to limit the number of employees authorised to sell tickets on Waverley Bridge to a maximum of 7 at any one time.

- moved by Councillor Dixon, seconded by Councillor Mitchell

Amendment 1

To **GRANT** the licence subject to the Council's standard conditions for this category of licence and an additional condition to limit the area in which tickets can be sold to Waverley Bridge only; and to limit the number of employees authorised to sell tickets on Waverley Bridge to a maximum of 3 at any one time.

- moved by Councillor Rose, seconded by Councillor Neil Ross

Amendment 2

1) To **REFUSE** the application

- moved by Councillor Howie, seconded by Councillor Rae

Voting

First Vote

The voting was as follows:

For the Motion	-	2 votes
For Amendment 1	-	2 votes
For Amendment 2	-	2 votes

(For the Motion: Councillors Dixon and Mitchell.

For Amendment 1: Councillors Rose and Neil Ross.

For Amendment 2: Councillors Howie and Rae.)

There being no overall majority in the division, the Vice-Convener gave his casting vote and Amendment 2 was dropped.

Second Vote

The voting was as follows:

For the Motion	-	2 votes
For Amendment 1	-	2 votes

(For the Motion: Councillors Dixon and Mitchell.

For Amendment 1: Councillors Rose and Neil Ross.

Abstentions: Councillors Howie and Rae)

In the division, 2 members having voted for the motion and 2 members for the amendment the Vice-Convener gave his casting vote for the Motion.

Decision

To approve the motion by Councillor Dixon.

(References – Licensing Sub-Committee on 3 February 2020 (item 3); report by the Regulatory Services Manager, submitted.)

6. Request for Refusal of Renewal of an HMO Licence

A renewal application for a House in Multiple Occupation Licence had been submitted for the property at 7 Lady Road Edinburgh. The Regulatory Services Manager recommended the renewal application be refused.

Decision

- 1) To **AGREE** to consider the matter in the absence of the applicant.
- 2) To **REFUSE** the licence in terms of section 130 of the Housing (Scotland) Act 2006 as the applicant was not a fit and proper person to hold a licence.

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

7. Application for Grant of Private Hire Licence – LPG Conversion - Tomasz Skarzynski

A new application had been received for the grant of a Private Hire Car Licence for a vehicle converted to LPG. The current policy allowed applications to be granted for vehicles which were currently within the existing fleet. As this vehicle was not currently within the fleet the application was referred to the Sub-Committee for determination.

Decision

To **GRANT** the licence subject to the standard conditions for this category of licence.

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

8. Application for Grant of Private Hire Licence – LPG Conversion - Henderson, Gibb & Gibb Partnership

A new application had been received for the grant of a Private Hire Car Licence for a vehicle converted to LPG. The current policy allowed applications to be granted for vehicles which were currently within the existing fleet. As this vehicle was not currently within the fleet the application was referred to the Sub-Committee for determination.

Decision

To **GRANT** the licence subject to the standard conditions for this category of licence.

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

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

Details were provided of six 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

Street Trader Licence (New)		
5.2	Mohamed Abdrabo Lauriston Place, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence.
Street Trader Licence (Renewal)		
5.3	Turnhouse Road, Edinburgh Sheila Gunderson	To RENEW the licence subject to the Council's standard conditions for this category of licence for 3 months.
House in Multiple Occupation Licence (New)		
5.4	26 Hazeldean Terrace, Edinburgh Scott Duncan	To GRANT the licence subject to the Council's standard conditions for this category of licence.
House in Multiple Occupation Licence (Renewal)		
5.5	163 Craiglea Drive, Edinburgh Carr Gomm Agent: Keith Milligan	To GRANT the licence subject to the Council's standard conditions for this category of licence for 1 year.
5.6	16 (1F2) Grove Street, Edinburgh Eric Gardiner Agent: David Rowand, Cairn Letting Lodging Agent: Carolanne Waters, Cairn Letting	<p>To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 20 April 2020 to allow the applicant to attend.</p> <p><u>DECLARATION OF INTERESTS</u></p> <p>Councillor Dixon declared a non-financial interest in the above item as he knew the objector and left the meeting during the Committee's consideration of the above item.</p>
5.7	151 Morningside Drive, Edinburgh Carr Gomm	To GRANT the licence subject to the Council's standard conditions for this category of licence for 6 months.

	Agent: Keith Milligan	
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Minutes

Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday 10 March 2020

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Cameron (substituting for Councillor Wilson (items 7.13 to 7.17), Child (substituting for Councillor Arthur), Howie, Mitchell, Rose (items 1 to 7.10 and 7.12 to 7.17), Neil Ross and Wilson (items 1 and 3 to 6.1).

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 Private Hire Driver Licence

The Sub-Committee considered a request by the Regulatory Services Manager to suspend or revoke a Private Hire Driver Licence. The Regulatory Services Manager was heard.

Decision

- 1) To agree to consider the matter in the absence of the applicant.
- 2) 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. Request for Suspension or Revocation of Private Hire Driver Licence

The Sub-Committee considered a request by the Regulatory Services Manager to suspend or revoke a Private Hire Driver Licence. The Regulatory Services Manager was heard.

Decision

- 1) To agree to consider the matter in the absence of the applicant.

- 2) 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. Request for Suspension or Revocation of Private Hire Driver Licence

The Sub-Committee considered a request by the Regulatory Services Manager to suspend or revoke a Private Hire Driver Licence. The Regulatory Services Manager and the licence holder 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)

5. Police Requests for Suspension or Revocation of Private Hire Driver and Taxi Driver Licences

The Sub-Committee considered 11 requests by Police Scotland to suspend or revoke Private Hire Driver and Taxi Driver Licences. Police Scotland, the licence holders and their agents 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)

6. Police Request for Suspension or Revocation of a Private Hire Driver Licence and Objection to Renewal

The Sub-Committee considered a request by Police Scotland to suspend or revoke a Private Hire Driver Licence together with an objection to the renewal of this licence. Police Scotland and the licence holder.

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 to Recall a Suspension of a Private Hire Driver's Licence

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.

(References – Licensing Sub-Committee 4 February 2020 (item 6); report by the Regulatory Services Manager, submitted)

8. Application for Renewal of Taxi Driver Licence

The Sub-Committee considered a request for renewal of a taxi driver licence. The Regulatory Services Manager and the licence holder 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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Minutes

Licensing Sub-Committee of the Regulatory Committee

10.30am, Tuesday 17 March 2020

Present

Councillors Dixon (Vice-Convener, in the chair), 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. The Sub-Committee agreed under Section 50(A)

2. Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemption to Policy

The Regulatory Committee had agreed to amend its policy and licensing conditions regarding the age and emissions standards of licensed vehicles in Edinburgh's Taxi and Private Hire Car fleet at its meeting on 16 March 2018.

7 requests had been received for exemptions to this policy. The licence holders and relevant Council officers were heard.

Decision

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

(References – Regulatory Committee 16 March 2018 (item 1); report by the Regulatory Services Manager, submitted)

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Licensing Sub-Committee of the Regulatory Committee

28 September 2020

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							
Market Operator Licence (Temporary)							
4.2	Taylor Scott Ltd	Hunter Square, Edinburgh	Standard Conditions	N/A		N/A	17.07.20
4.3	LocalMotive Markets Ms Tania Pramschufer	Castle Street, Edinburgh	Standard Conditions 10:00 to 20:00	N/A		N/A	Event Start Date – 26.11.20
House in Multiple Occupation Licence (Renewal)							
4.4	Mr Eric Gardiner Agent: Mr David Rowand, Cairn Letting	16 (1F2) Grove Street, Edinburgh	4 occupants	Satisfactory	Continued from the Licensing Sub-Committee of 9 March 2020	Liz Haggard Mr and Mrs Player Alan Hunter	27.11.20
House in Multiple Occupation Licence (New)							

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
4.5	Mr William Hubert Rutherford Lodging Agent: Mr Brian Morgan, HMO Scotland	90 (3F2) Hamilton Place, Edinburgh	3 occupants	Satisfactor y		Mr Paul & Mrs Pamela Laing Ms Annabel Kohler	21.10.20

LICENSING REF NO: 428709, 429446 & 429447

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: NAME MANAGER	Taylor Scott Ltd
PREMISES ADDRESS	Hunter Square
CONDITIONS RECOMMENDED	The applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.
REPRESENTATIONS RECEIVED	Public Safety Police Scotland
REASON FOR BEING CALLED TO COMMITTEE	Out with Council policy Public Safety Objections
DETERMINATION DATE	17/7/20
<p>NOTES: Temporary application for 17/7/20 to 5/8/20. 3 proposed stances in Hunter Square. Further applications submitted for 7/8/20 to 31/8/20.</p> <p>Heard by Licensing Panel on the week commencing 18 May 2020. Decision was made to send to the next available Licensing Committee.</p> <p>Follow on applications included.</p>	

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LICENSING REF NO: 436651

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME LocalMotive Markets Ms Tania Pramschufer
PREMISES ADDRESS	Castle Street, Edinburgh, EH1 2EW
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	N/A
REASON FOR BEING CALLED TO COMMITTEE	Out with Council policy
DETERMINATION DATE	Event Start Date – 26.11.20
NOTES: Market Operator application for Castle Street. Requested trading times of 10:00 to 20:00.	

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Agenda Item 4.4

LICENSING REF NO: 425126

ITEM NO

HMO
RENEWAL

APPLICANT DETAILS:	NAME	Mr Eric Gardiner
	AGENT	Mr David Rowand, Cairn Letting
	LODGING AGENT	Ms Carolanne Waters, Cairn Letting
PREMISES ADDRESS		1f2, 16 Grove Street, Edinburgh, EH3 8BB
CONDITIONS APPLIED FOR		Maximum Occupants - 4
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		SATISFACTORY
REPRESENTATIONS RECEIVED		Ms Liz Haggard Mr and Mrs Player Mr Alan Hunter
DETERMINATION DATE		27 November 2020
RENEWAL DATE		30 November 2022
NOTES: Continued from Licensing Sub-Committee meeting in March 2020. Application was considered by delegated Panel in May 2020 but was referred back to full Committee meeting.		

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Agenda Item 4.5

LICENSING REF NO: 421137

ITEM NO

HMO
NEW

APPLICANT DETAILS:	NAME	Mr William Hubert Rutherford
	LODGING AGENT	Mr Brian Morgan, HMO Scotland
PREMISES ADDRESS		3f2, 90 Hamilton Place, Edinburgh, EH3 5AZ
CONDITIONS APPLIED FOR		Maximum Occupants - 3
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		SATISFACTORY
REPRESENTATIONS RECEIVED		Mr Paul & Mrs Pamela Laing Ms Annabel Kohler
DETERMINATION DATE		21 October 2020
RENEWAL DATE		1 Year From Date Of Grant
NOTES:		

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