

# Notice of meeting and agenda

## Licensing Sub-Committee

**2.00pm, Monday, 1st February, 2021**

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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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

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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 12 January 2021 – submitted for approval as a correct record 5 - 14

## **4. Reports**

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- 4.1 Request for Fee Refund – Market Operator Licence – Edinburgh Farmers’ Market – report by the Regulatory Services Manager (circulated) 15 - 22

Note: The above applicants have been invited to attend for 2.00pm.

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

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- 5.1 Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications – list of applications 23 - 24
- 5.2 Street Trader Licence (New) – Rose Street – Telak Singh 25 - 36
- 5.3 Street Trader Licence (New) – Waverley Mall – ST Linton Ltd 37 - 44
- 5.4 Street Trader Licence (New) – Street Record, Bainfield Drive – Mark Thomson 45 - 50
- 5.5 House in Multiple Occupation Licence (Renewal) - 29(2F) Buckingham Terrace, Edinburgh 51 - 66

<b>5.6</b>	House in Multiple Occupation Licence (Renewal) - 2 Spence Street, Edinburgh	67 - 78
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## **6. Resolution to Consider in Private**

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- 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**

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<b>7.1</b>	Request for Refusal of Landlord Registration – Report by the Regulatory Services Manager	79 - 92
<b>7.2</b>	Request for Refusal of Landlord Registration – Report by the Regulatory Services Manager	93 - 106
<b>7.3</b>	Request for Refusal of Landlord Registration – Report by the Regulatory Services Manager	107 - 124
<b>7.4</b>	Request for Refusal of Landlord Registration – Report by the Regulatory Services Manager	125 - 136

### **Andrew Kerr**

Chief Executive

## **Committee Members**

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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**

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

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

### **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Rachel Gentleman or 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](mailto:lesley.birrell@edinburgh.gov.uk) / [sarah.stirling@edinburgh.gov.uk](mailto: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 the Council's online [Committee Library](#).

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

9.00am, Tuesday 12 January 2021

### Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Arthur (excluding items 5.4 and B7.1a), Mitchell, Mowat, Rae, Rose, Neil Ross and Wilson.

### 1. Minutes

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#### Decision

To approve the minute of the Licensing Sub-Committee of 8 December 2020 as a correct record.

### 2. Request for Fee Refund - Market Operator Licence – Edinburgh Farmers' Market

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The Council had received a request on behalf of the organisers of Edinburgh Farmers' Market at Castle Terrace to agree to accept a reduced application fee for a Market Operator Licence.

#### Decision

- 1) To note the terms of the request.
- 2) To **CONTINUE** consideration of the application to the meeting of the Licensing Sub-Committee on 1 February 2021 to allow the applicant to attend.

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

### 3. Application for Grant of Taxi Licence - LPG Conversion - Plate 115 - R & S Swan

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A new application had been received for the grant of a Taxi 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

- 1) To **AGREE** to consider the matter in the absence of the applicant.
- 2) To **GRANT** the licence subject to the standard conditions for this category of licence and the vehicle being presented for and passing inspection by the Taxi Examination Centre.

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

#### 4. Application for Grant of Private Hire Car Licences - LPG Conversions - Abassi Private Hire LP

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

##### Decision

- 1) To **AGREE** to consider the matter in the absence of the applicant.
- 2) To **GRANT** the licences subject to the standard conditions for this category of licence and the vehicles being presented for and passing inspections by the Taxi Examination Centre.

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

#### 5. Applications for Grant of House in Multiple Occupation Licences – Request for Exemption from Policy - 4-5 Parliament Street

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Details were provided of applications received from Dunedin Canmore Housing Ltd for the grant of House in Multiple Occupation (HMO) Licences for five properties at 4-5 Parliament Street, Edinburgh. The properties had been licensed as HMOs for many years and were used by the Council as supported homeless accommodation. The licences had been allowed to lapse in error during the lockdown period and members were advised they were required to be treated as new applications.

The properties had been inspected by Council officers and some minor issues which had not met the required physical standards had been identified as set out in the appendix to the report. The applicant had therefore requested exemptions from policy to allow the accommodation to continue to operate.

##### Decision

- 1) To note the contents of the report.
- 2) To **GRANT** the licences and the requests for exemption from policy subject to the Council's standard conditions for this category of licence.

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

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

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Details were provided of three 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)

## **7. 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.

## **8. Police Requests for Suspension or Revocation of Taxi Driver and Private Hire Car Driver Licences**

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The Sub-Committee considered requests by Police Scotland to suspend or revoke a Taxi Driver Licence and two Private Hire Car Driver Licences. Police Scotland, the licence holders and agent 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)

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

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Details were provided of six applications for miscellaneous licences.

### **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

Street Trader Licence (New)		
<b>5.2</b>	Rose Street, Edinburgh  Mr Telak Singh	To <b>CONTINUE</b> consideration of the application to the meeting of the Licensing Sub-Committee on 1 February 2021 to allow the applicant to attend.
House in Multiple Occupation Licences (New)		
<b>5.3</b>	1 (1F1) Leamington Place, Edinburgh  HSCM Properties Ltd  Agent: Anna Jane Renton, Grant Property Management Solutions	<ol style="list-style-type: none"> <li>1) To repel the public objections and <b>GRANT</b> the licence subject to the Council's standard conditions for this category of licence.</li> <li>2) To note the undertaking from the applicant's agents that appropriate measures would be undertaken to address the unresolved issues raised by the objector relating to repainting as a result of water ingress, the cracked ceiling and floor deafening and that the outcome would be reported back to committee within six months.</li> </ol>
<b>5.4</b>	6 (1F2) Wolseley Terrace, Edinburgh  Abdul Karim Mohammed Saleh  Agent: Donald Zindoga, Quirky Apartments Ltd	<ol style="list-style-type: none"> <li>1) To <b>AGREE</b> to consider the late objections.</li> <li>2) To repel the public objections and <b>GRANT</b> the licence subject to the Council's standard conditions for this category of licence.</li> <li>3) To note the undertaking from the applicant's agent that appropriate measures would be taken to obtain the necessary building warrant completion certificate within 6 months and that the outcome would be reported back to Committee within that timescale.</li> </ol>



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

**2.00pm, Monday, 1 February 2021**

## **Request for Fee Refund – Market Operator Licence – Edinburgh Farmers’ Market**

**Item number**

**Report number**

**Executive/routine**

**Council Commitments**

**Wards**

Leith (13)

### **Executive Summary**

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The Council has received a request on behalf of the organisers of Edinburgh Farmers’ Market at Castle Terrace to agree to accept a reduced application fee for a Market Operator Licence.

A fee reduction is sought on the basis of points made in the applicant’s letter (Appendix 1).

## Request for Fee Refund – Market Operator Licence – Edinburgh Farmers’ Market

### 1. Recommendations

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- 1.1 It is recommended that the Committee:
  - 1.1.1 notes the terms of the request; and
  - 1.1.2 refuses the request.

### 2. Background

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- 2.1 The Edinburgh Farmers’ Market Cooperative Committee has requested that the application fees due for the required Market Operator Licence should be reduced.
- 2.2 The Council agreed that the fees charged for licence applications with effect from 1 April 2018 shall remain unchanged.
- 2.3 Historically, fee reductions or refunds for large events have only been granted if the organiser is a charity or a community group. The cooperative is a community based collective but not a charity.
- 2.4 On 21 February 2019 the Council agreed to adopt a policy of full cost recovery for major events in the city delivered by third parties. It was agreed to increase cost recovery through charges levied for licensing and regulatory services, road occupation licences and consents, where permitted by legislation.
- 2.5 As previously reported to Regulatory Committee in November 2020, at a meeting of the Policy and Sustainability Committee on 20 August 2020 the Council agreed not to offer further deferral of licensing fees. The Committee was provided information regarding the financial impact of the public health emergency on licensing income.

### 3. Main report

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- 3.1 The Edinburgh Farmers’ Market Cooperative Committee has submitted a written request (Appendix 1), seeking that the application fee due for a Market Operator Licence at Castle Terrace should be reduced. A copy of the relevant correspondence is attached to this report at Appendix 2.
- 3.2 The fee structure for 2020/2021 was agreed with effect from 1 April 2018. As this location falls in the city centre, the fee due for the market with 40 stalls is £3,520 (40 x £88).

- 3.3 If the Committee is minded to grant a fee reduction, it is requested that it is made clear to the applicant that this level of fee reduction cannot be sustained, as the cost is being met by other licence holders through their payment of fees, and that the applicant should plan their budget in future years accordingly.
- 3.4 The Council incurs significant costs in dealing with issues arising from licensed premises in the city. These costs are required to be directly recovered from licence fees.
- 3.5 A representative of the applicant will be invited to address the Committee on the request for the fee reduction.

## **4 Measures of success**

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- 4.1 The premises are licensed in a proportionate and effective manner.

## **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 2018. Any reduced fee would be required to be absorbed by the licensing budget for 2020/21.
- 5.2 The Regulatory Committee was provided an update on the impact of the public health emergency in a report in November 2020. A link to that report is included below in the 'Background' section.

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

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- 6.1 The fee structure was agreed by full Council. Any reduction risks setting a precedent. However the Committee has discretion in this matter.
- 6.2 Should the fees be waived or reduced it is likely other licence holders will seek a similar reduction and this may negatively impact the Council's overall financial position.

## **7 Equalities impact**

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

## **8 Sustainability impact**

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

## 9 Consultation and engagement

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- 9.1 Officers of the Council have discussed the licensing requirement with the applicant.

## 10 Background reading/external references

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- 10.1 [City of Edinburgh Council licence application fees list](#)  
10.2 [Report to Regulatory Committee 2 November 2020](#)

### **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

## 11 Appendices

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- 11.1 Appendix 1 - Letter from Edinburgh Farmers' Market Cooperative Committee  
11.2 Appendix 2 - Email from Councillor Fullerton dated 1 December 2020

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**Licensing Sub-Committee of the Regulatory Committee**

**1 February 2021**

**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 9am</b>							
<b>Street Trader Licence (New)</b>							
5.2	Mr Telak Singh	Rose Street, Edinburgh	Standard Conditions Hours requested 07:00 – 18:00	N/A	Outwith Council policy The applicant has applied for Stance 1. Roads have allocated Stance 4. Continued from 12 January 2021 to allow applicant to attend.		09.03.21
5.3	St Linton Ltd Mr Alexander Critchley	Waverley Mall, Princes Street, Edinburgh	Standard Conditions Hours requested 07:00 – 19:00	N/A	Located within ward 11	Roads	26.11.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
5.4	Mr Mark Thomson	Bainfield Drive, Edinburgh	Standard Conditions Hours requested 07:00 – 16:00	N/A	Consultee objection	Local Transport Team and Parks, Greenspace and Cemeteries	03.06.21
<b>House in Multiple Occupation Licence (Renewal)</b>							
5.5	Mrs Rosemary Sutcliffe Agent: Mr Dietrich Zank, The Flat Company Ltd	29(2F) Buckingham Terrace, Edinburgh	6 occupants	Satisfactory		Mr Stefan & Mrs Pavlina Ratchev	25.05.21
5.6	Professor Asif Sohail Usmani & Mrs Saadia Usmani Agent: Ms Gemma Gilmour, The University of Edinburgh	2 Spence Street, Edinburgh	9 occupants	Satisfactory		Mr Douglas & Mrs Marie Band	12.05.21

LICENSING REF NO: 431507

**ITEM NO**

## **STREET TRADER LICENCE**

**New**

APPLICANT DETAILS: MANAGER	NAME	<b>Mr Telak Singh</b>
PREMISES ADDRESS		<b>Rose Street, Edinburgh</b>
CONDITIONS RECOMMENDED		<b>Standard Conditions</b>
REPRESENTATIONS RECEIVED		N/A
REASON FOR BEING CALLED TO COMMITTEE		<b>Out with Council policy</b>
DETERMINATION DATE		<b>9 March 2021</b>
<b>NOTES: The applicant has applied for Stance 1. Roads have allocated Stance 4.</b>		

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LICENSING REF NO: 440560

**ITEM NO**

## STREET TRADER LICENCE

New

APPLICANT DETAILS: MANAGER	NAME	<b>ST LINTON LTD</b>  <b>Mr Alexander Critchley</b>
PREMISES ADDRESS	<b>Waverley Mall, 3 Princes Street, Edinburgh</b>	
CONDITIONS RECOMMENDED	<b>Standard Conditions</b>	
REPRESENTATIONS RECEIVED		
REASON FOR BEING CALLED TO COMMITTEE	<b>Located within Ward 11</b>	
DETERMINATION DATE	<b>26/11/2021</b>	
<p><b>NOTES:</b></p> <p><b>Coffee van on Waverley Mall Rooftop (approved by Waverley Mall management). Operating hours of 0700-1900.</b></p>		

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LICENSING REF NO: 429102

**ITEM NO**

## STREET TRADER LICENCE

**New**

APPLICANT DETAILS: MANAGER	NAME	<b>Mr Mark Thomson</b>
PREMISES ADDRESS	<b>Street Record, Bainfield Drive, Edinburgh</b>	
CONDITIONS RECOMMENDED	<b>Standard Conditions</b>	
REPRESENTATIONS RECEIVED	Local Transport Team and Parks, Greenspaces & Cemeteries	
REASON FOR BEING CALLED TO COMMITTEE	<b>Consultee objection</b>	
DETERMINATION DATE	<b>03/06/2021</b>	
<b>NOTES:</b>  <b>Hot and cold food and drinks trailer unit to be located between Bainfield Drive and Canal; operating hours of 0700-1600.</b>		

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# Agenda Item 5.5

LICENSING REF NO: 433929

ITEM NO

**HMO  
RENEWAL**

APPLICANT DETAILS:	NAME	<b>Mrs Rosemary Sutcliffe</b>
	AGENT	<b>Mr Dietrich Zank, The Flat Company Ltd</b>
	LODGING AGENT	<b>The Flat Company Ltd</b>
PREMISES ADDRESS		<b>2f, 29 Buckingham Terrace, Edinburgh, EH4 3AE</b>
CONDITIONS APPLIED FOR		<b>Maximum Occupants - 6</b>
24 HOUR CONTACT NUMBER		<b>SATISFACTORY</b>
NOTICE OF APPLICATION		<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED		<b>Mr Stefan &amp; Mrs Pavlina Ratchev</b>
DETERMINATION DATE		<b>25 May 2021</b>
RENEWAL DATE		<b>31 May 2023</b>
<b>NOTES:</b>		

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# Agenda Item 5.6

LICENSING REF NO: 433246

ITEM NO

**HMO  
RENEWAL**

APPLICANT DETAILS:	NAME	<b>Professor Asif Sohail Usmani &amp; Mrs Saadia Usmani</b>
	AGENT	<b>Ms Gemma Gilmour, The University of Edinburgh</b>
	LODGING AGENT	<b>HMO Scotland</b>
PREMISES ADDRESS		<b>2 Spence Street, Edinburgh, EH16 5AG</b>
CONDITIONS APPLIED FOR		<b>Maximum Occupants - 9</b>
24 HOUR CONTACT NUMBER		<b>SATISFACTORY</b>
NOTICE OF APPLICATION		<b>SATISFACTORY</b>
REPRESENTATIONS RECEIVED		<b>Mr Douglas &amp; Mrs Marie Band</b>
DETERMINATION DATE		<b>12 May 2021</b>
RENEWAL DATE		<b>19 May 2023</b>
<b>NOTES:</b>		

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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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