

Notice of meeting and agenda

Licensing Sub-Committee

2.00 pm, Monday, 17th May, 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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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

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

2. Declaration of Interests

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

3. Minutes

- | | | |
|-----|---|--------|
| 3.1 | Minute of Licensing Sub-Committee of 19 April 2021 – submitted for approval as a correct record | 5 - 8 |
| 3.2 | Minute of Licensing Sub-Committee of 30 April 2021 – submitted for approval as a correct record | 9 - 18 |

4. Reports

- | | | |
|-----|--|-----------|
| 4.1 | Application for Street Trader's Licence – Soul Water Sauna, Portobello Promenade – Report by the Regulatory Services Manager | 19 - 182 |
| 4.2 | Applications for House in Multiple Occupation Licences – Cameron Guest House Group – Report by the Regulatory Services Manager | 183 - 190 |

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

- | | | |
|-----|--|-----------|
| 5.1 | Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications – list of applications | 191 - 192 |
| 5.2 | Late Hours Catering Licence (New) - Pepe's/A&D Edinburgh Ltd | 193 - 226 |
| 5.3 | House in Multiple Occupation Licence (Renewal) - Flat 7, 13 Hermand Crescent, Edinburgh | 227 - 236 |

5.4	House in Multiple Occupation Licence (Renewal) - 9 McDonald Road, Edinburgh	237 - 246
5.5	House in Multiple Occupation Licence (Renewal) - 105 Newington Road, Edinburgh	247 - 258
5.6	House in Multiple Occupation Licence (Renewal) - 2 (1F2) Western Corner, Edinburgh	259 - 268

Andrew Kerr

Chief Executive

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 meeting of the Licensing Sub-Committee 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, 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 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

2.00pm, Monday 19 April 2021

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Arthur (items 3 (5.3) onwards), Mowat, Rae, Rose (items 1 to 3 (5.5)), Neil Ross and Wilson.

1. Minutes

Decision

- 1) To approve the minute of the Licensing Sub-Committee of 2 March 2021 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 8 March 2021 as a correct record.
- 3) To approve the minute of the Licensing Sub-Committee of 9 March 2021 as a correct record.
- 4) To approve the minute of the Licensing Sub-Committee of 19 March 2021 as a correct record.
- 5) To approve the minute of the Licensing Sub-Committee of 12 April 2021 as a correct record.

2. Street Trader Application Comment – The Milk Wand Ltd

An application for a new mobile Street Trader's Licence for The Milk Wand Ltd was considered, including the comment received from Roads Services.

Decision

To **GRANT** the licence for a period of one year subject to the Council's standard conditions for this category of licence.

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

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

Details were provided of 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

House in Multiple Occupation Licence (New)		
5.2	443 (Flat 3) Gorgie Road, Edinburgh Mr Rupinder Kaur Bal Lodging Agent: HMO Scotland Ltd	1) To GRANT the licence for a period of one year subject to the Council's standard conditions for this category of licence. 2) To NOTE that the applicant had given an undertaking to install door self-closers, carpet with underlays, to contribute to the cleaning of the stairs, to employ a gardener to take turns cutting the communal grass, and to take careful consideration of any new tenants to the property.
5.3	Flat 3, 10 Easter Dalry Rigg, Edinburgh Ms Lisa Victoria McKinney	To GRANT the licence for a period of one year subject to the Council's standard conditions for this category of licence.
House in Multiple Occupation Licence (Renewal)		
5.4	27 (3F) West Maitland Street Mr Stephen Gilmour & Mrs Carolyn Gilmour Agent: Ms Stephanie Harkness, Murray & Currie Lettings & Property Sales	1) To GRANT the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE that the agent had given an undertaking to provide a contact number to the objectors and to identify the windows of the property to the objectors.
5.5	1 (2F1) Appin Terrace Mr William Donald Clement McKeand Agent: Ms Stephanie Harkness, Murray & Currie Lettings & Property Sales	1) To GRANT the licence subject to the Council's standard conditions for this category of licence for a period of 1 year. 2) To NOTE that the agent had given an undertaking to inspect the fire doors and assess the noise impact as soon as Covid-19 restrictions had been lifted.

		Declaration of Interests Councillor Arthur declared a non-financial interest in the above item as an employee of Heriot-Watt University.
Late Hours Catering Licence (New)		
5.6	A&D Edinburgh Ltd Manager: Mr Muhammad Imran Tariq 66 Home Street, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 17 May 2021 to allow the applicant to obtain written notices of neighbour consent.
5.7	Go Go's Takeaway Ltd Manager: Miss Kelly Thomson 94 Niddrie Mains Road, Edinburgh	To GRANT the licence for a period of one year for the hours Sun-Thurs 11:00-00:00 and Fri-Sat 11:00-01:00 subject to the Council's standard conditions for this category of licence.

Minutes

Licensing Sub-Committee of the Regulatory Committee

11am, Friday 30 April 2021

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Arthur (excluding items 4.1 (5 and 6), 4.2 (3) and 5.1 to 5.4), Cameron (substituting for Councillor Wilson), Mitchell, Mowat, 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.

2. Police Requests for Suspension or Revocation of Licences

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

3. Revocation or Suspension of Taxi and Private Hire Driver's Licences

The Sub-Committee considered requests by the Executive Director of Place to revoke or suspend a Taxi Driver's Licence and two Private Hire Car Driver's Licences. The Regulatory Services Manager, Police Scotland 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)

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

Details were provided of 3 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)

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, 17 May 2021

Application for Street Trader's Licence – Soul Water Sauna, Portobello Promenade

Item number

Report number

Executive/routine

Wards

Ward 17 – Portobello/Craigmillar

Council Commitments

N/A

Executive Summary

An application for a Street Trader's Licence for the operation of a mobile sauna at Portobello Promenade has been received.

There have been 73 public objections to the granting of the licence and there are additionally objections from relevant council services to the granting of the licence.

Andrew Mitchell

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

Email andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Application for Street Trader's Licence – Soul Water Sauna, Portobello Promenade

1. Recommendations

- 1.1 The committee is asked to:
 - 1.1.1 note the recommendation that the application is refused from council officers on the following grounds:
 - 1.1.1.1 the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or is not suitable or convenient for the conduct of the activity having regard to—
 - (a) the location of the premises
 - (b) the possibility of undue public nuisance; or
 - (c) public safety; or
 - (d) there is other good reason for refusing the application
 - 1.1.2 consider the public objections presented and any submissions made by those objectors at the hearing; and
 - 1.1.3 after hearing from the applicant or their representative, determine whether to grant or refuse the Street Trader's Licence application.

2. Background

- 2.1 Street trading is regulated by the Civic Government (Scotland) Act 1982 ('the 1982 Act'). The Council has chosen to adopt the requirement to obtain a licence and therefore a licence is required within the city of Edinburgh. This application (Appendix 1) is for a Street Trader's Licence.

3. Main report

- 3.1 This application resulted in objections from Council teams (Appendix 2). Roads Services object to the granting of the licence in that location as being unsuitable and presenting safety risks to users of the promenade. The Environmental Health Service has objected on the basis that the operation of the facility would be in

breach of the Control on Smoke Free Zones and has pointed out that the location is in close proximity to residential property nearby, and is likely to cause nuisance to occupiers within those buildings.

- 3.2 Separately there is the requirement of licence conditions to remove any vehicle or structure at the end of each trading day. The committee has previously allowed exemptions for some vehicles to remain in situ on roads and some temporary structures to be in place during the Festival. There are no known examples of a structure of this type being left in situ on a permanent basis. It is highly likely that the applicant will require separate planning permission. Finally, for completeness, public health rules would not permit this sauna to operate until the legal restrictions are eased.
- 3.3 The application attracted 73 objections from members of the public (Appendix 3a). The Committee will be required to additionally consider these.
- 3.4 The applicant has submitted responses to the objections and has provided submissions which were received in support of the application. These are shown at Appendix 4.
- 3.5 Members will be aware that the licensing system provides specific grounds of refusal, and alternatively the ability to attach reasonable conditions. The grounds of refusal are summarised below:
 - 3.5.1 A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—
 - 3.5.2 The applicant is not a fit and proper person to be the holder of the licence;
 - 3.5.3 the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
 - 3.5.4 where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—
 - 3.5.4.1 the location, character or condition of the premises or the character or condition of the vehicle or vessel;
 - 3.5.4.2 the nature and extent of the proposed activity;
 - 3.5.4.3 the kind of persons likely to be in the premises, vehicle or vessel;
 - 3.5.4.4 the possibility of undue public nuisance; or
 - 3.5.4.5 public order or public safety; or
 - 3.5.4.6 there is other good reason for refusing the application;
- 3.6 The applicant and objectors have been invited to attend.

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 The Council's scale of fees for licensing applications was approved with effect from 1 April 2018. The committee should note that the Licensing Refunds Policy will apply in this case, should the application be unsuccessful or be withdrawn.

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 This application was subject to public consultation.

10. Background reading/external references

- 10.1 None

11. Appendices

- 11.1 Appendix 1 - Application for renewal of Street Trader's Licence
- 11.2 Appendix 2a – Objections received from Council teams
- 11.3 Appendix 2b – Applicant's responses to the Council teams
- 11.4 Appendix 3a – Objections received from members of the public

- 11.5 Appendix 3b – Applicant’s responses to public objections
- 11.6 Appendix 4 – Submissions in support of the application
- 11.7 Appendix 5 – Further relevant information provided by applicant

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Licensing Sub-Committee of the Regulatory Committee

2.00pm, Monday, 17 May 2021

Applications for House in Multiple Occupation Licences – Cameron Guest House Group

Executive/routine

Wards

All

Council Commitments

N/A

Executive Summary

Applications for the grant of House in Multiple Occupation ('HMO') Licences have been received for two properties in Edinburgh.

These properties have previously been licensed but the licences have lapsed during the lockdown period. The applicants request an exemption from policy in order to allow the accommodation to continue to operate. The properties had previously been granted similar exemptions.

Andrew Mitchell

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4042

Applications for House in Multiple Occupation Licences – Cameron Guest House Group

1. Recommendations

- 1.1 It is recommended that the committee:
 - 1.1.1 notes the contents of this report;
 - 1.1.2 grants the applications and the requests for exemption;
 - 1.1.3 notes that the safety certification is incomplete for 2020 and attaches an additional condition requiring that all necessary certification is obtained within six months; and
 - 1.1.4 attaches standard conditions to the licences.

2. Background

- 2.1 The requirement to hold a House in Multiple Occupation ('HMO') Licence is set out in the Housing (Scotland) Act 2006 ('the Act'). The procedures for processing such applications and considering objections etc. are set out in the Act.
- 2.2 The committee may attach reasonable conditions as it sees fit, if it is minded to grant the licences.

3. Main report

- 3.1 Applications for the grant of HMO Licences for two properties have been received from Cameron Guest House Group. These properties have previously been licensed by the Council as HMOs for many years. The licences lapsed during the lockdown period, and therefore the applications must now be dealt with as new applications.
- 3.2 The relevant properties are:
 - 3.2.1 12 Poplar Lane, Edinburgh EH6 7HD
 - 3.2.2 10 Links Place, Edinburgh EH6 7EZ
- 3.3 These properties are used by the Council as supported homeless accommodation. Historically the Council has granted these licences with some exemptions to the

physical standards requirements for HMOs. The points in question are relatively minor, for example room sizes being slightly smaller than the required standards. The properties have operated satisfactorily for a number of years without any complaints. Additionally the temporary nature of the housing provision to residents at risk of being otherwise homeless is also a relevant factor when considering the exemption request.

- 3.4 The properties have been inspected by Council officers regarding their suitability for use as HMOs (Appendices 1 and 2). It is recommended that the Committee grants these licences with exemptions as sought, on the basis that the use of the accommodation is temporary in nature and it would not be reasonable or proportionate to insist on modifications to bring these properties in line with current physical specification. Had the application been in effect a renewal application it would normally be granted under delegated powers.
- 3.5 The applicants request an exemption from policy in order to allow the accommodation to operate. 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 None.

11 Appendices

11.1 Appendix 1 – inspection report (12 Poplar Lane)

11.2 Appendix 2 – inspection report (10 Links Place)

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Licensing Sub-Committee of the Regulatory Committee

17 May 2021

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 2.00pm							
Late Hours Catering Licence (New)							
5.2	A&D Edinburgh Ltd Manager: Mr Muhammad Imran Tariq	66 Home Street, Edinburgh	Standard Conditions	N/A	Outwith Council policy Police Scotland representation Licensing Enforcement representation Continued from 19 April to allow applicant to obtain written notices of neighbour consent	N/A	15.07.21
House in Multiple Occupation Licence (Renewal)							
5.3	Mr Grant Masteron	Flat 7, 13 Hermand Crescent, Edinburgh	3 occupants	Satisfactory		Ms Christina Canning	20.07.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
5.4	Mr Gordon James Stephen Agent: Mrs Rachel MacDonell, Braemore	9 McDonald Road, Edinburgh	5 occupants	Satisfactory		Ms Sarah Lapsley (Late Objection)	28.06.21
5.5	Mr Nigel Chow Agent: Mr Nicholas Milne, The Property Letting Centre	105 Newington Road, Edinburgh	5 occupants	Satisfactory		Mr Philip McDowell (Late Objection)	19.08.21
5.6	Mr Viral Khakhar Lodging Agent: Mr Richard Montgomery	2 (1F2) Western Corner, Edinburgh	5 occupants	Satisfactory		Ms Ellen Cummings & Mr D Towsey (Late Objection) Mr Frazer Gillies (Late Objection)	29.07.21

LICENSING REF NO: 438384

ITEM NO

LATE HOURS CATERING LICENCE

New

APPLICANT DETAILS: NAME MANAGER	A&D Edinburgh Ltd Mr Muhammad Imran Tariq
PREMISES ADDRESS	66 Home Street, Edinburgh, EH3 9NA
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Police Scotland Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Outwith Policy
DETERMINATION DATE	15 July 2021
NOTES: Takeaway premises within tenement style building. Continued from 19 April 2021 Committee to allow the applicant to obtain written notices of neighbour consent.	

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Agenda Item 5.3

LICENSING REF NO: 447181

ITEM NO

HMO
RENEWAL

APPLICANT DETAILS:	NAME	Mr Grant Masteron
PREMISES ADDRESS		Flat 7, 13 Hermand Crescent, Edinburgh, EH11 1LP
CONDITIONS APPLIED FOR		Maximum Occupants - 3
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		SATISFACTORY
REPRESENTATIONS RECEIVED		Ms Christina Canning
DETERMINATION DATE		20 July 2021
RENEWAL DATE		
NOTES:		

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Agenda Item 5.4

LICENSING REF NO: 436545

ITEM NO

HMO
RENEWAL

APPLICANT DETAILS:	NAME	Mr Gordon James Stephen
	AGENT	Mrs Rachel MacDonell, Braemore
	LODGING AGENT	Mrs Rachel MacDonell, Braemore
PREMISES ADDRESS		9 Mcdonald Road, Edinburgh, EH7 4LX
CONDITIONS APPLIED FOR		Maximum Occupants - 5
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		SATISFACTORY
REPRESENTATIONS RECEIVED		Ms Sarah Lapsley (Late)
DETERMINATION DATE		28 June 2021
RENEWAL DATE		
NOTES:		

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Agenda Item 5.5

LICENSING REF NO: 441705

ITEM NO

HMO
RENEWAL

APPLICANT DETAILS:	NAME	Mr Nigel Chow
	AGENT	Mr Nicholas Milne, The Property Letting Centre
	LODGING AGENT	Mr Miles Leslie, The Edinburgh Letting Centre
PREMISES ADDRESS		105 Newington Road, Edinburgh, EH9 1QW
CONDITIONS APPLIED FOR		Maximum Occupants - 5
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		SATISFACTORY
REPRESENTATIONS RECEIVED		Mr Philip McDowell (Late)
DETERMINATION DATE		19 August 2021
RENEWAL DATE		
NOTES:		

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Agenda Item 5.6

LICENSING REF NO: 439007

ITEM NO

HMO
RENEWAL

APPLICANT DETAILS:	NAME	Mr Viral Khakhar
	LODGING AGENT	Mr Richard Montgomery
PREMISES ADDRESS		1f2, 2 Western Corner, Edinburgh, EH12 5PY
CONDITIONS APPLIED FOR		Maximum Occupants - 5
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		SATISFACTORY
REPRESENTATIONS RECEIVED		Ms Ellen Cummings & Mr D Towsey (Late) Mr Frazer Gillies (Late)
DETERMINATION DATE		29 July 2021
RENEWAL DATE		31 July 2023
NOTES:		

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