

Notice of meeting and agenda

Licensing Sub-Committee

10.00am, Tuesday, 26th October, 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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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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Tel: 0131 529 4340

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. Declarations of Interest

- 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. Parades and Processions

- 3.1** Parades and Processions - November 2021 – Report by the Regulatory Services Manager 9 - 24

4. Application for Renewal of House in Multiple Occupation Licence

- 4.1** Application for Renewal of House in Multiple Occupation Licence - 12 Glasgow Road, Edinburgh – Report by the Regulatory Services Manager 25 - 42

Note: The Licensing Sub-Committee on 11 October 2021 continued consideration of the above application to this meeting in order for an officer from the Private Rented Services Team to attend the meeting to provide information on the operation and management of the property and the responsibilities of the applicant.

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

- 5.1** Civic Government (Scotland) Act 1982 - to consider miscellaneous applications - List of Applications 43 - 52
- 5.2** Market Operator Licence (Temporary) – Edinburgh Diwali 2021 53 - 62
- 5.3** Public Entertainment Licence (Temporary) – Edinburgh Diwali 2021 63 - 72
- 5.4** Public Entertainment Licence (Temporary) – Castle of Light - 18 73 - 80

November 2021

5.5	Public Entertainment Licence (Temporary) - Castle of Light – 16 December 2021	81 - 88
5.6	Market Operator Licence (Temporary) - East Princes Street Gardens & The Mound – Underbelly – 20 November 2021 to 17 December 2021	89 - 98
5.7	Public Entertainment Licence (Temporary) - East Princes Street Gardens & The Mound – Underbelly – 20 November 2021 to 17 December 2021	99 - 108
5.8	Market Operator Licence (Temporary) – East Princes Street Gardens & The Mound – Underbelly – 18 December 2021 to 5 January 2022	109 - 118
5.9	Public Entertainment Licence (Temporary) - East Princes Street Gardens & The Mound – Underbelly – 18 December 2021 to 5 January 2022	119 - 128
5.10	Market Operator Licence (Temporary) - West Princes Street Gardens – Underbelly – 19 November 2021 to 16 December 2021	129 - 134
5.11	Public Entertainment Licence (Temporary) - West Princes Street Gardens – Underbelly – 19 November 2021 to 16 December 2021	135 - 140
5.12	Market Operator Licence (Temporary) - West Princes Street Gardens – Underbelly – 17 December 2021 to 5 January 2022	141 - 146
5.13	Public Entertainment Licence (Temporary) - West Princes Street Gardens – Underbelly – 17 December 2021 to 5 January 2022	147 - 152
5.14	Market Operator Licence (Temporary) - George Street – Underbelly – 19 November 2021 to 16 December 2021	153 - 158
5.15	Market Operator Licence (Temporary) - George Street –	159 - 164

Underbelly – 17 December 2021 to 5 January 2022

5.16	Public Entertainment Licence (Temporary) - St James Quarter – 11 November 2021 – 7 December 2021	165 - 170
5.17	Public Entertainment Licence (Temporary) - St James Quarter – 8 December 2021 – 4 January 2022	171 - 176
5.18	Public Entertainment Licence (Temporary) - Register Square, St James Quarter – 11 November 2021 – 8 December 2021	177 - 182
5.19	Public Entertainment Licence (Temporary) - Register Square, St James Quarter – 9 December 2021 – 24 December 2021	183 - 188
5.20	Market Operators Licence (Temporary) - St John's Church, Edinburgh – 2 November 2021	189 - 194

6. Application for New Taxi Licence

6.1	Application for New Taxi Licence – 306 Taxis Ltd – Report by the Regulatory Services Manager	195 - 206
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7. Resolution to Consider in Private

7.1	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.	
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8. Application for Private Hire Driver's Licence

8.1	Application for Renewal of Private Hire Driver Licence – Report by the Regulatory Services Manager	207 - 218
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9. Requests for Suspension or Revocation of Licences

9.1	Request for Suspension of a Private Hire Driver Licence – Report by the Regulatory Services Manager	219 - 240
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9.2	Request for Suspension or Revocation of Taxi Driver Licence – Report by the Regulatory Services Manager	241 - 248
9.3	Request for Suspension or Revocation of Private Hire Driver Licence – Report by the Regulatory Services Manager	249 - 256
9.4	Request for Suspension or Revocation of Private Hire Driver Licence – Report by the Regulatory Services Manager	257 - 264

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

10.1	Civic Government (Scotland) Act 1982 - To consider miscellaneous applications - List of Applications	265 - 266
10.2	Private Hire Driver Licence (Renewal) – Darrell Lee Irving	267 - 276
10.3	Private Hire Driver Licence (Renewal) - Dorota Joanna Waledziak	277 - 286

Nick Smith

Service Director – Legal and Assurance

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 Lesley Birrell, Committee Services, City of Edinburgh Council, Business Centre 2.1,

Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email
lesley.birrell@edinburgh.gov.uk / taylor.ward@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.

Licensing Sub-Committee of the Regulatory Committee

10.00am, Tuesday, 26 October 2021

Proposed Parades and Processions: November 2021

Item number	
Report number	
Executive/routine	
Wards	City Centre (11)
Council Commitments	N/A

Executive Summary

The City of Edinburgh Council has been notified of two parades which are proposed to take place in November 2021.

The Council has limited powers in respect of parades. It can take no action and the parade 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.

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

Proposed Parades and Processions: October/November 2021

1. Recommendations

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

2. Background

- 2.1 Under the Civic Government (Scotland) Act 1982, anyone organising a parade or procession in Scotland must notify the appropriate local authority and the police at least 28 days prior to the date of the event.
- 2.2 The City of Edinburgh Council has been notified of intent to hold the following events in the city (further details in Appendix 1).
- 2.3 Organisers of Scottish National Remembrance Day Parade & Service have expressed a wish to use the High Street. The route for March for an Independent Scotland has not been confirmed but may include the High Street.
- 2.4 The following parades are proposed

Event name	Event date
March for an Independent Scotland	27 Nov 2021
Scottish National Remembrance Day Parade & Service	14 Nov 2021

- 2.5 The route originally proposed for March for an Independent Scotland (see Appendix 1a) caused concerns and no agreement has been reached with respect to an alternative route.
- 2.6 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. [Download the Scottish Government Guidance to local authorities on marches and parades.](#)

3. Main report

- 3.1 Notification forms and other documents relevant to the proposed parades are attached at Appendix 1.
- 3.2 The recommended conditions (Appendix 2) are sufficient to mitigate any possible disruption to the community.
- 3.3 Representatives of the organisations will be invited to address the Committee regarding the proposed parades.
- 3.4 Public Health restrictions on the number of people who may gather were revoked from 9 August 2021, and there is general guidance which organisers of a parade are encouraged to follow.

4. Measures of success

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

5. Financial impact

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

6. Risk, policy, compliance and governance impact

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

7. Equalities impact

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

8. Sustainability impact

- 8.1 Not applicable.

9. Consultation and engagement

- 9.1 Statutory consultation has taken place regarding the parades.

10. Background reading/external references

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

Andrew Mitchell

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

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11. Appendices

- 11.1 Appendix 1a: Original notification form and associated documentation - March for an Independent Scotland
- Appendix 1b: Notification form - Scottish National Remembrance Day Parade & Service
- 11.2 Appendix 2: Proposed conditions.

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, 11 October 2021

Application for House in Multiple Occupation Licence – 12 Glasgow Road

Executive/routine

Wards

Ward 3 (Drum Brae/Gyle)

Council Commitments

N/A

Executive Summary

An application for the grant of a House in Multiple Occupation ('HMO') Licence has been received for a property in Edinburgh.

Andrew Mitchell

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

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

Application for House in Multiple Occupation Licence – 12 Glasgow Road

1. Recommendations

- 1.1 It is recommended that the committee:
 - 1.1.1 notes the contents of this report;
 - 1.1.2 decides whether to grant the application; and
 - 1.1.3 if the committee decides to grant the licence attaches standard conditions to the licence.

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 licence.

3. Main report

- 3.1 An application for the grant of an HMO Licence for 12 Glasgow Road has been received. This property has been licensed by the Council as an HMO for several years.
- 3.2 Objections to this application have been received (Appendices 2, 3 and 4).
- 3.3 The Private Rented Services team has provided information in response to the issues raised in the objections (Appendix 5).
- 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 None

11 Appendices

- 11.1 Appendix 1 – application form received in July 2020
- 11.2 Appendix 2 – letter from Gillespie Macandrew LLP dated 10 January 2020
- 11.3 Appendix 3 – letter from Gillespie Macandrew LLP dated 3 February 2020
- 11.4 Appendix 4 - letter from Gillespie Macandrew LLP dated 20 April 2021
- 11.5 Appendix 5 – Memo from Private Rented Services team dated 28 September 2021

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Licensing Sub-Committee of the Regulatory Committee

26 October 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 10.00am							
Market Operator Licence (Temporary)							
5.2	Edinburgh Diwali 2021 Applicant Mr Rajnish Singh	West Princes Street Gardens	Standard Conditions Event Date 21.11.21 Hours requested 13:00-19:00	N/A	Police Scotland No objections	N/A	21.11.21
Public Entertainment Licence (Temporary)							
5.3	Edinburgh Diwali 2021 Applicant Mr Rajnish Singh	West Princes Street Gardens	Standard Conditions Event Date 21.11.21	N/A	Police Scotland No objections	N/A	21.11.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
			Hours requested 13:00-19:00				
Public Entertainment Licence (Temporary)							
5.4	Castle of Light Applicant Historic Environment Scotland Enterprises Ltd Manager Mr Eric Dryden	Castlehill	Standard conditions Event Date 18.11.21 to 15.12.21 Hours Requested 16:30 to 22:00	N/A	Noise condition Health & Safety condition Transport condition Licensing enforcement No objections Police Scotland No objections	N/A	18.11.21
5.5	Castle of Light Applicant Historic Environment Scotland Enterprises Ltd Manager Mr Eric Dryden	Castlehill	Standard conditions Event Date 16.12.21 to 09.01.22 Hours Requested 16:30 to 22:00	N/A	Noise condition Health & Safety condition Transport condition Licensing enforcement No objections Police Scotland No objections	N/A	16.12.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Market Operator Licence (Temporary)							
5.6	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	East Princes Street Gardens & The Mound	Standard Conditions Event Date 20.11.21 to 17.12.21 Hours Requested 10:00 to 22:00	N/A	Police Scotland No objections	N/A	20.11.21
Public Entertainment Licence (Temporary)							
5.7	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	East Princes Street Gardens & The Mound	Standard Conditions Event Date 20.11.21 to 17.12.21 Hours Requested 10:00 to 22:00	N/A	Police Scotland No objections	N/A	20.11.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Market Operator Licence (Temporary)							
5.8	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	East Princes Street Gardens & The Mound	Standard Conditions Event Date 18.12.21 to 05.01.22 Hours Requested 10:00 to 22:00	N/A	Police Scotland No objections	N/A	18.12.21
Public Entertainment Licence (Temporary)							
5.9	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	East Princes Street Gardens & The Mound	Standard Conditions Event Date 18.12.21 to 05.01.22 Hours Requested 10:00 to 22:00	N/A	Police Scotland No objections	N/A	18.12.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Market Operators Licence (Temporary)							
5.10	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	West Princes Street Gardens	Standard Conditions Event Date 19.11.21 to 16.12.21 Hours Requested 10:00 to 22:00	N/A	N/A	N/A	19.11.21
Public Entertainment Licence (Temporary)							
5.11	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	West Princes Street Gardens	Standard Conditions Event Date 19.11.21 to 16.12.21 Hours Requested 10:00 to 22:00	N/A	N/A	N/A	19.11.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Market Operator Licence (Temporary)							
5.12	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	West Princes Street Gardens	Standard Conditions Event Date 17.12.21 to 05.01.22 Hours Requested 10:00 to 22:00	N/A	N/A	N/A	17.12.21
Public Entertainment Licence (Temporary)							
5.13	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	West Princes Street Gardens	Standard Conditions Event Date 17.12.21 to 05.01.22 Hours Requested 10:00 to 22:00	N/A	N/A	N/A	17.12.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Market Operator Licence (Temporary)							
5.14	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	George Street	Standard Conditions Event Date 19.11.21 to 16.12.21 Hours Requested 10:00 to 22:00	N/A	N/A	N/A	19.11.21
Market Operator Licence (Temporary)							
5.15	Underbelly Ltd Manager Ruth Fisher Agent Alistair Macdonald	George Street	Standard Conditions Event Date 17.12.21 to 05.01.22 Hours Requested 10:00 to 22:00	N/A	N/A	N/A	17.12.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Public Entertainment Licence (Temporary)							
5.16	Robert Fairhurst	St James Quarter, Edinburgh	Standard Conditions Event Date 11.11.21-07.12.21 Hours Requested 10:00-00:00	N/A	N/A	N/A	11.11.21
Public Entertainment Licence (Temporary)							
5.17	Robert Fairhurst	St James Quarter, Edinburgh	Standard Conditions Event Date 08.12.21-04.01.22 Hours Requested 10:00-00:00	N/A	N/A	N/A	8.12.21
Public Entertainment Licence (Temporary)							
5.18	Jana Scholtzova	Register Square, St	Standard Conditions	N/A	N/A	N/A	11.11.21

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
		James Quarter	Event Date 11.11.21 – 08.12.21 Hours Requested 10:00-22:00				
Public Entertainment Licence (Temporary)							
5.19	Jana Scholtzova	Register Square, St James Quarter	Standard Conditions Event Date 09.12.21 – 24.12.21 Hours Requested 10:00-22:00	N/A	N/A	N/A	9.12.21
Market Operator Licence (Temporary)							
5.20	Gordon Hodgson	St John's Church, Edinburgh	Standard Conditions Hours Requested 11:00-15:00	N/A	N/A	N/A	8.12.21

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LICENSING REF NO: 460864

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Edinburgh Diwali Mr Rajnish Singh
PREMISES ADDRESS	West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Police Scotland
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	21 November 2021
NOTES: Four pitches between 1300-1900 on 21/11/21.	

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LICENSING REF NO: 460865

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

APPLICANT DETAILS: MANAGER	NAME Edinburgh Diwali Mr Rajnish Singh
PREMISES ADDRESS	West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Police Scotland
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	21 November 2021
NOTES: Maximum capacity of 2,500 on 21/11/21 (1300-1900)	

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LICENSING REF NO: 460859

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

APPLICANT DETAILS: MANAGER	NAME Historic Environment Scotland Enterprises Limited Mr Eric Dryden
PREMISES ADDRESS	Castlehill, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	18 November 2021
NOTES: Maximum capacity of 5,000; 18/11/21-15/12/21 (1630-2200).	

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LICENSING REF NO: 460860

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Historic Environment Scotland Enterprises Limited Mr Eric Dryden
PREMISES ADDRESS	Castlehill, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	16 December 2021
NOTES: Maximum capacity of 5,000; 16/12/21-09/01/22 (1630-2200).	

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LICENSING REF NO: 460896

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	East Princes Street Gardens & The Mound
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Police Scotland
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	20 November 2021
NOTES: 58 pitches; 20/11/21-17/12/21 (1000-2200).	

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LICENSING REF NO: 460903

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	East Princes Street Gardens & The Mound
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Police Scotland
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	20 November 2021
NOTES: Maximum capacity of 304 between 20/11/21-17/12/21 (1000-2200).	

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LICENSING REF NO: 460898

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	East Princes Street Gardens & The Mound
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Police Scotland
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	18 December 2021
NOTES: 58 pitches; 18/12/21-05/01/22 (1000-2200).	

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LICENSING REF NO: 460904

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	East Princes Street Gardens & The Mound
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Police Scotland
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	18 December 2021
NOTES: Maximum capacity of 304; 18/12/21-05/01/22 (1000-2200).	

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LICENSING REF NO: 460946

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	19 November 2021
NOTES: 16 pitches; 19/11/21-16/12/21 (1000-2200).	

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LICENSING REF NO: 460948

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	19 November 2021
NOTES: Maximum capacity of 452; 19/11/21-16/12/21 (1000-2200).	

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LICENSING REF NO: 460947

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	17 December 2021
NOTES: 16 pitches; 17/12/21-05/10/22 (1000-2200).	

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LICENSING REF NO: 460949

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	17 December 2021
NOTES: Maximum capacity of 452; 17/12/21-05/01/22 (1000-2200).	

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LICENSING REF NO: 460923

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	George Street, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	19 November 2021
NOTES: Seven pitches; 19/11/21-16/12/21 (1000-2200).	

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LICENSING REF NO: 460925

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Underbelly Limited Ms Ruth Fisher
PREMISES ADDRESS	George Street, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	17 December 2021
NOTES: Seven pitches; 17/12/21-05/01/22 (1000-2200).	

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LICENSING REF NO: 461815

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: NAME MANAGER	Mr Robert Fairhurst
PREMISES ADDRESS	St James Quarter, Edinburgh, EH1 3AY
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	11 November 2021
<p>NOTES: Maximum capacity of 200 between 11/11/21-07/12/21 (1000-0000).</p>	

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LICENSING REF NO: 461816

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: NAME MANAGER	Mr Robert Fairhurst
PREMISES ADDRESS	St James Quarter, Edinburgh, EH1 3AY
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	8 December 2021
<p>NOTES: Maximum capacity of 200 between 08/12/21-04/01/22 (1000-0000).</p>	

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LICENSING REF NO: 461903

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: NAME MANAGER	Ms Jana Scholtzova
PREMISES ADDRESS	St James Quarter, Edinburgh, EH1 3AY
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	11 November 2021
NOTES: Maximum capacity of 499 between 11/11/21-08/12/21 (1000-2200).	

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LICENSING REF NO: 461904

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: NAME MANAGER	Ms Jana Scholtzova
PREMISES ADDRESS	St James Quarter, Edinburgh, EH1 3AY
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	9 December 2021
<p>NOTES: Maximum capacity of 499 between 09/12/21-24/12/21 (1000-2200).</p>	

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LICENSING REF NO: 462294

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME Mr Gordon Hodgson
PREMISES ADDRESS	St John's Church, 1 Lothian Road, Edinburgh, EH1 2EP
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	Ward 11
DETERMINATION DATE	2 November 2021
NOTES: 11 pitches; opening hours of 1100-1500.	

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Licensing Sub-Committee of the Regulatory Committee

10:00am, Tuesday, 26 October 2021

Application for New Taxi Licence – 306 Taxis Ltd

Item number

Report number

Executive/routine

Wards

All

Council Commitments

N/A

Executive Summary

An application to renew Taxi Licence Plate 306 held by L & N Taxi Partnership and a subsequent application to change the day to day manager and partners was received.

A new application was subsequently received with a new applicant seeking to change the ownership of Plate 306 from L & N Taxi Partnership to 306 Taxis Ltd

The legislation does not enable the transfer of a partnership to a company and on grant of the licence the partnership will surrender their licence.

Should the committee decide to grant the licence, it would have no impact on the total number of Taxi Licences 1,316 approved by committee.

Application for New Taxi Licence – 306 Taxis Ltd

1. Recommendations

- 1.1 After hearing from Council officers and the applicant, the committee is asked to:
 - 1.1.1 note from the previous Regulatory Committee decision on 16 March 2018 and the Interim Demand Survey considered by the Regulatory Committee on 21 October 2019 that there is presently no significant unmet demand for taxis in the city;
 - 1.1.2 note that on 8 March 2021 the Regulatory Committee agreed to leave unaltered the current limit of issued taxi licences at 1,316; and
 - 1.1.3 note that there are currently 1,313 licences in effect and agree to grant the licence subject to the surrender of the licence in the name of L & N Taxi Partnership

2. Background

- 2.1 The Council has a policy of limiting the number of Taxi Licences issued within the city, utilising the powers available to it under Section 10 (3) of the Civic Government (Scotland) Act 1982. This power can only be used if the Council is satisfied that there is no unmet 'significant demand' for taxis. The Council is required to keep this position under regular review.
- 2.2 On 17 October 1997 the City of Edinburgh Council's Regulatory Committee adopted new procedures allowing taxi licences held in the names of individual licence holders to be replaced by a new licence in the name of a partnership or limited company including the existing licence holder. As a result, the adoption of this process has created circumstances in which members of the trade buy and sell taxi businesses and in effect taxi plates. It should be noted that, irrespective of the sale of a business, the plate remains the property of the Council and has no intrinsic value. A new owner of the business will be subject to the normal licence application process, including the vetting of suitable applicants, and the potential for the refusal of an application. Applicants may refer Members to the sale price of taxis dropping in price as a result of the policy change, but should be aware that the price is based in part on a calculated risk that the buyer will be able to secure a plate. The restriction in taxi numbers has in effect created this artificial value of the plate.

- 2.3 This application is for the issue of one new Taxi Licence, to replace the existing licence granted to L & N Taxi partnership.
- 2.4 The Council's agreed taxi limitation policy applies, and that number remains at 1,316. There are currently 1,313 taxi licences issued and in effect.
- 2.5 The Committee should note that one further application for a taxi licence is on the agenda for this meeting.

3. Main report

Vehicle Limitation

- 3.1 In order to establish the current level of demand for taxis within the city, regular surveys are carried out to determine whether there is any significant unmet demand. The last full demand survey was carried out by CH2M and was reported to the Regulatory Committee in March 2018. This survey concluded that there was no significant unmet demand.
- 3.2 Additional surveys were commissioned from Vector Consultancy. The most recent of these was completed in March and November 2020 and was reported to the Regulatory Committee on 8 March 2021. The committee agreed that there was no significant unmet demand.
- 3.3 The Regulatory Committee has previously resolved to limit the number of taxis at 1,316. There are currently a limited number of taxi licences available for grant that have not been renewed by existing licence holders. Members should note that grant of this application would not exceed the limitation policy.

History

- 3.4 Taxi licence 306 is currently held by of L & N Taxi Partnership with Alan Duff as the named day to day manager. Following the application to renew the licence an application was subsequently received advising that the partnership was changing and named Jan Janacek as the new day to day manager. This application has still to be determined.
- 3.5 Following receipt of the application to change the day to day managers a further new application was received seeking transfer of Plate 306 to 306 Taxis Ltd with Jan Janacek as the named day to day manager.
- 3.6 The Civic Government (Scotland) Act 1982 does not allow for the transfer of a licence from one licence holder to another. The new application in the name of 306 Taxis Ltd seeks to resolve this anomaly in the "1982 Act" following the purchase of the L&N Partnership by Jan Janacek who wishes to hold the licence in the name of 306 Taxis Ltd.
- 3.7 Should the committee be minded to grant the new licence application in the name of 306 Taxis Ltd it is the intention of L & N Taxi Partnership to surrender their existing licence.

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 2021. 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 Any increase in the taxi fleet by increasing the number of licences issued may have an impact on the environment within the city, potentially including levels of pollution.

9. Consultation and engagement

- 9.1 None.

10. Background reading/external references

- 10.1 Report from CH2M (Regulatory Committee March 2018).

Andrew Mitchell

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

11. Appendices

11.1 Appendix 1 - Application for new Taxi Licence

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